

RESOLUTION AGREEMENT

Between the Hazleton Area School District and The U.S. Department of Education's Office for Civil Rights

OCR Compliance Review Number 03-10-5002 and Case Number 03-11-1024

The Hazleton Area School District (the District) enters into the following agreement to address areas of non-compliance identified in Office for Civil Rights (OCR) Case No. 03-10-5002 and to voluntarily resolve the allegations of OCR Case No. 03-11-1024. The agreement will ensure the District's compliance with Title VI of the Civil Rights Act of 1964 (Title VI) 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin by recipients of federal financial assistance from the U.S. Department of Education (the Department).

The District recognizes that it is prohibited by Title VI from discriminating on the basis of race, color, or national origin and that it may not bar students from enrolling in its schools on the basis of their citizenship or immigration status, or that of their parents or guardians.

A. Identification of Students Whose Primary Home Language is Other Than English

1. Prompt assessment. As of the date of execution of this Agreement, the District agrees that any PHLOTE student, based on responses provided via the home language survey, will be promptly assessed for English language proficiency in the four language domains (listening, speaking, reading, and writing) using existing language proficiency assessments to determine eligibility for placement in an English language development program.
2. Policies and procedures. The District will revise its *ESL Non-Placement Verification* form to delete exemptions based on interviews, disability, and other criteria not related to an assessment of all four language domains.
3. Notice to staff. The District will issue a memorandum to all staff involved in assessing PHLOTE students for eligibility for English language development program services of the obligation to ensure that each PHLOTE student is assessed in the four language domains.
4. Assessment of previously-exempted students. The District will convene an assessment committee to identify all current PHLOTE students who were improperly exempted from language proficiency assessment and who are still enrolled in the District. Specifically, the committee will identify all exempted PHLOTE students who are not successfully participating in the District's program, as determined by student grades in academic core subjects (or comparable measure). For each student identified, the District will conduct a meeting with the student's parent/guardian, in a language they can understand, and will inform them of: the District's intent to assess the student for English language proficiency; the reason for the assessment; the benefits of English

language development program services; and the opportunity to waive the assessment in writing if they believe that their child is not English language deficient or that their academic progress has not been impacted negatively by being exempted from language proficiency assessment. The District will assess each student, with the exception of those whose parents waived the assessment.

Reporting Requirements:

- By April 15, 2014, the District will provide to OCR:
 - A copy of its revised *ESL Non-Placement Verification Form*, revised pursuant to paragraph A.2, above; and
 - a copy of the memorandum issued pursuant to paragraph A.3, above, along with a narrative explaining the manner in which the memorandum was issued.

- By June 15, 2014, the District will provide to OCR a list of the students, by name, grade, and school, identified pursuant to paragraph A.4, above. For each student assessed, the District will indicate:
 - the assessment(s) used to determine the student’s language proficiency in each of the four language domains;
 - the date of the language proficiency assessment(s);
 - the scores the student achieved on each assessment;
 - the student’s grade level;
 - the student’s English proficiency level as determined by the assessment process; and
 - whether the student was determined eligible for placement in the English language development program and, if so, the specific program and the date the assignment was made.

For each student whose parent/guardian waived language proficiency assessment, the District will include documentation of the offer to meet with the parents/guardians and of the parent/guardian’s waiver.

B. Effective Provision of Instruction to English Language Learners (ELLs)

1. *Policies and procedures: Language acquisition.* The District will establish written, measurable goals for language acquisition for all students in the English language development program. These goals should include progress through the English language proficiency levels generally within four to five years. The District will consider the individual needs of a student and other relevant factors when measuring progress towards English language proficiency. Along with these goals, the District will also develop a written plan for supports and enrichment for those students who do not progress as anticipated.

2. *Policies and procedures: Content area achievement.* The District will establish written, measurable goals for content area achievement for all students in the English language

development program. These goals may include measures such as: grades, achievement on the PSSA or other statewide achievement test; grade-level promotion; and graduation rates. Along with these goals, the District will also develop a written plan for supports and enrichment for those students who do not progress as anticipated.

3. Participation and Opting Out. To the extent that the District's procedures allow parents/guardians to opt out of the English language development program, such requests must be in writing. In such circumstances, the District will provide notification of the placement for each ELL student and the benefits derived from participation in the English language development program to each ELL student's parent/guardian in a language LEP parents can understand. As an alternative to sending written notification for low incidence language groups, the District may use interpreters to provide this information to LEP parents.
4. Supports for Students Opted Out. By April 15, 2014, the District will provide language services to students whose parents have declined or opted out of the English language development program, by monitoring students' academic progress and providing other language support services for such students. Specifically:
 - a. The District will develop a policy or procedure to monitor the academic progress of students whose parents have opted them out of the English language development program to ensure they are able to participate meaningfully in the regular instructional program.
 - b. The District will contact the parent/guardian of each of the students who are not being served by the English language development program because of parent request to opt out, to inform the parent of the student's opportunity to participate in the English language development program. The District will provide the parent/guardian with information about the results of the assessment of the student and the benefits of the program. The District will conduct a meeting with the parent/guardian, in a language he/she can understand, to explain the goals and objectives of the English language development program.
5. Facilities and Staff Resources. By February 15, 2014, the District will:
 - a. ensure that ELL students receive English language development program services in instructional settings that are comparable to those made available to non-ELL students;
 - b. ensure that there are a sufficient number of certified, trained English as a Second Language (ESL) teachers to implement its English language development program.
 - c. To the extent the District does not have the necessary certified, trained ESL teachers for the 2013-14 school year, the District shall identify and describe the

interim steps it will take to provide staffing for the alternative language program, including:

- i. continuing efforts to recruit certified, trained staff members to implement the alternative language program; and
 - ii. ensuring the availability and placement of certified, trained staff members to implement the alternative language program. This may include using current teaching staff who are ESL certified to teach in the alternative language program.
- d. By the start of the 2014-15 school year, the District will ensure that all of its staff providing its alternative language program to ELL students are appropriately certified and trained.

Reporting Requirements:

- By April 15, 2014, the District will provide to OCR a copy of its goals for language acquisition and content area achievement, and its plan for support and enrichment, as required by B.1 and B.2, above. The District will also provide a written explanation of how these goals will be tracked and who will be responsible for this process.
- By June 15, 2014, the District will provide to OCR a copy of the notification of the placement that was sent to each ELL student's parent/guardian in accordance with B.3., above for the 2013-14 school year.
- By June 15, 2015, the District will provide to OCR a copy of the notification of the placement that was sent to each ELL student's parent/guardian in accordance with B.3. for the 2014-15 school year.
- By April 15, 2014, the District will provide to OCR a copy of its policy or procedure developed in accordance with B.4.a.
- By April 15, 2014, the District will submit to OCR documentation of its implementation of the policy or procedure in B.4.a. during the 2013-14 school year.
- By April 15, 2014, the District will submit to OCR documentation of the steps taken to implement B.4.b. during the 2013-14 school year.
- By April 15, 2014, the District will submit to OCR documentation of the specific steps taken to implement B.5.a.-d., above.

C. Exiting and Monitoring of ELL Students

1. By April 15, 2014, the District will identify and describe the criteria that it will use to determine when an ELL student has obtained sufficient proficiency in English to exit the alternative language program. At a minimum, these criteria will provide for the following:

- a. The determination of English language proficiency is based on objective standards by using language proficiency test scores, in which the District can demonstrate that students meeting those standards will be able to participate meaningfully in the regular classroom; and
 - b. The ELL students exiting alternative language services exhibit English reading, writing, speaking, and comprehension skills that would indicate they can participate meaningfully in the District's regular education program.
2. By April 15, 2014, the District will distribute a memorandum to instructional staff and school administrators reminding them of the requirements for monitoring students who have exited from the English language development program.
 3. By April 15, 2014, the District will identify whether any students who have exited the alternative language program during the 2010-2011 and 2011-2012 school years have suffered any academic deficiencies and take appropriate steps to remediate such academic deficiencies (e.g. tutoring). In circumstances where a student is not succeeding academically because of premature exiting or lack of appropriate English language development, the District will consider reentry into the alternative language program as a remedy.
 4. By April 15, 2014, and annually thereafter, the District will conduct training for all teachers concerning the policies and procedures for the monitoring of students exited from the ELL program. The training will inform teachers of their obligation to utilize the monitoring forms and to track and record all required data. The training will also inform teachers whom to contact if they have concerns regarding the academic performance of students who are being monitored.

Reporting Requirements:

- By April 15, 2014, the District will provide to OCR a copy of the exiting criteria required by Sections C.1 a-b.
- By April 15, 2014, the District will provide to OCR a copy of the memorandum required by Section C.2, including a narrative describing when and how the memorandum was distributed.
- By April 15, 2014, the District will provide to OCR a list of the students identified in C.3. For each student on the list, the District will indicate whether or not the student was experiencing academic difficulty and, if so, what remediation was provided.
- By April 15, 2014, the District will provide to OCR a copy of any training materials provided to teachers, pursuant to C.4, along with a written description of the training event.

D. English Language Development Program Evaluation and Modification

1. *Comprehensive evaluation.* The District will conduct a comprehensive evaluation of the English language development program at each school level (elementary, middle, high), which will examine and make recommendations regarding:
 - a. whether students who have a primary home language other than English (PHLOTE) and were determined not to be eligible for English language development program services are succeeding in the regular education program;
 - b. the rate of English Language Learner (ELL) students' progress towards full proficiency in English;
 - c. whether ELL students are progressing adequately in academic content areas;
 - d. whether students are exiting the English language development program according to the District's goals and procedures;
 - e. whether current and exited ELL students are retained in grade or drop out of school at a higher rate than their non-ELL peers;
 - f. whether current and exited ELL students are able to participate fully and successfully in the District's curriculum and programs, as determined by such measures as graduation rates, scholastic achievement, awards and honors, as well as participation in special opportunity programs and in sports and other extracurricular activities;
 - g. whether the academic performance of exited ELL students is comparable (as measured by standardized assessments and grades) with their non-ELL peers in the regular educational environment;
 - h. whether exited ELL students are graduating at rates comparable to those of their non-ELL peers;
 - i. the adequacy of English language development program staffing levels;
 - j. the adequacy of English language development program facilities;
 - k. the quantity and quality of English language development program instructional materials;
 - l. provisions for modifying instruction for ELL students within the regular (i.e. non-ELL) content area educational settings;

- m. resources for providing effective and meaningful communication and notice to non-English speaking parents;
 - n. whether, in consultation with a Spanish language expert, registration and enrollment policies/practices have the effect of chilling or discouraging parents from enrolling their children in District schools based on national origin; and
 - o. any other data or measures of comparison deemed to be appropriate in order to have an effective program that is able to carry out the goals set for it by the District.
2. Data collection. The District will collect information that is sufficient to enable it to conduct the evaluation, and will ensure that it seeks input and feedback from administrators, staff, parents/guardians, and students (as appropriate).
 3. Program modification. Whenever the program evaluation shows that the English language development program is not achieving its goals, the District will modify the program accordingly, within a reasonable amount of time after the evaluation, or document the reasons for not implementing the recommendations.

Reporting Requirements:

- The first evaluation will review information and data from the 2012-13 school year and will forward a copy of the evaluation will be forwarded to OCR for review by February 15, 2014.
- The second evaluation will consider information and data from the 2013-14 school year and will be forwarded to OCR for review by July 15, 2014.
- Any subsequent evaluations deemed necessary by OCR will be forwarded to OCR by July 15th of that year. OCR may make recommendations to the District based upon review. Upon OCR's conclusion of monitoring, the District will conduct the program evaluation on a periodic basis.

E. Strengthening and Enhancing Communication with Limited-English Proficient Parents and Guardians

1. By April 15, 2014, the District shall develop and implement policies and procedures to ensure that national origin minority LEP parents are notified, in a language understood by the parents, of school activities, all registration materials, and other information and matters that are called to the attention of other parents. Specifically, the District will revise its procedures to ensure that:
 - a. the procedures will specify how the District will provide language assistance services, including interpreters and written translations, to LEP parents, including parents from less predominant language groups;

- b. the District has a process to identify and track LEP parents who require communication in a language other than English, including ensuring that teachers, administrators, and central office personnel are timely notified of these LEP parents;
 - c. the District has a process by which District staff may obtain, in a timely manner, language assistance services, including qualified translators or interpreters as needed (this could include through the use of various services, such as onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs); the process will also notify appropriate staff of the applicable record keeping procedures and reporting requirements; the District's means for providing these services must be well-publicized and accessible to staff;
 - d. the District has a process for notifying LEP parents, in a language that the parents can understand, of the availability of free language assistance services (as described in b. above) with respect to school programs and activities and information as to how this assistance may be obtained. The notice will, at a minimum, be published on the District's website, in the student and parent handbooks, and in any District-wide or school-based newsletters. The notification will also provide parents with a contact person who can answer any questions regarding parental communication and assist parents to access interpreter services or translated documents; and
 - e. the District has a process by which the District ensures that all of its interpreters and translators are competent to provide interpretation and translation services and have been appropriately trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. The District will maintain documentation to support that the interpreters and translators have the skills and proficiency to interpret and translate in English and a particular non-English language.
2. Evaluation. The District will, at least twice yearly, assess its implementation of the policies and procedures required in Section E.1 (a-f) above. This evaluation will consider at least the following: whether the provisions of the Agreement are being carried out; whether the current implementation of its policies and procedures is providing meaningful communication at all schools; whether training is needed to ensure staff awareness of and compliance with the Agreement's obligations, and whether District interpreters and translators are being used when appropriate and are qualified to perform the services they provide. The assessment will also consider whether certain events, such as school orientations, open houses and other District events where the dissemination of information is a primary purpose of the event, will include the use of interpreters as a matter of course.
 3. Training. The District will train appropriate staff on District procedures for identifying language-minority parents, and on the District policies, regulations, and procedures for serving language minority parents. Staff training will consist of the following: when and how to obtain qualified language assistance; the importance of effective communication with ELL individuals; use of interpreters when staff have telephone or in-person contact

with ELL individuals (including the registration/enrollment process); the impact of ethnic and cultural differences on effective communication; and applicable record-keeping procedures and reporting obligations.

4. *Data collection and tracking.* The District will maintain a log or database of interpreter services requested, including the primary language and the student/parent's names, the source of any interpreter used (e.g., bilingual staff, staff interpreters, contract interpreters, community volunteers, telephone interpreter lines), the reason for/purpose of the request, and the name of the interpreter. If no interpreter is provided, the record will indicate the reason and document any attempts made to obtain a qualified interpreter. The District must develop a procedure to track the log to ensure that the communication needs of the ELL students and language-minority parents are being effectively met through appropriate use of interpreters and translators.

Reporting Requirements:

- By April 15, 2014, the District will provide to OCR a copy of its written plan and procedures to ensure meaningful communication with language-minority parents, in accordance with Section E.1 (a-e) above.
- Within thirty days of OCR's approval, the District will provide to OCR documentation of its adoption of the written plan and procedures, along with a written description of its methods to notify all parents of these procedures.
- The District will provide OCR with written reports containing the findings of its evaluations required in accordance with Section E.2, above, as follows.
 - By June 30, 2014, first evaluation required in accordance with Section E.2, above.
 - By December 30, 2014, the District will submit a written report containing the findings of its second evaluation required in accordance with Section E.2, above.
 - The District will continue to submit written reports by June 30 and December 30 of each year, in accordance with Section E.2, until monitoring is concluded. At that time, OCR will inform the District whether continued self-monitoring is required, without reporting to OCR.
- By June 15, 2014, the District will provide to OCR a written description of the training it provides to appropriate staff concerning procedures for identifying language-minority parents/guardians, and on the District policies, regulations, and procedures for serving LEP parents, in accordance with Section E.3, above. The description should include a list of staff members in attendance, by name and title, along with copies of any presentations or documents used or distributed.
- By August 30, 2014, the District will provide to OCR a copy of its updated list of qualified interpreters and copies or documentation of any contracts or

arrangements with professional agencies/organizations, in accordance with Section E.1 (e), above.

- By December 15, 2014, the District will provide to OCR documentation of its assessment and evaluation of the quality of its interpreters, in accordance with Section E.2, above.
- By July 1, 2014, the District will provide to OCR a copy of its log of interpreter services requested during the 2013–2014 school year, to date, in accordance with Section E.4, above.

F. Notice of Non-discrimination

1. By April 15, 2014, the District will submit for OCR’s review and approval a revised notice of non-discrimination that informs students, parents, and others that the District does not discriminate in its programs and activities on the bases of race, color, national origin, disability, sex, and age, and identifies by name or title, address, and telephone number the individual or individuals responsible for coordinating its non-discrimination compliance efforts. The notice of non-discrimination will also inform students and others of the Boy Scouts of America Equal Access Act. In revising the notice, the District may consult with OCR staff, or refer to OCR’s policy statement entitled *Notice of Non-Discrimination* (August 2010), which is available on the Department’s website at: <http://www.ed.gov/about/offices/list/ocr/docs/nondisc.html>.
 - a. Within 45 calendar days of written approval from OCR, the District will disseminate its revised notice of nondiscrimination to students, parents, District employees and others by: prominently including the notice of nondiscrimination in its new and reprinted District student and staff handbooks; prominently including the notice of nondiscrimination in other new and reprinted District publications, such as announcements, bulletins, catalogs, or application forms which it makes available to students, parents, and District employees; and prominently including the notice of nondiscrimination on the District’s website. For the remainder of the 2013-14 school year, inserts may be used pending reprinting of these publications.
 - b. The District will also review and revise, as necessary, any Board policies concerning discrimination under Title VI, including unlawful harassment, to ensure that they include national origin as a basis for protection under Title VI.

Reporting Requirements:

- By April 15, 2014, the District will provide OCR the revised notice of non-discrimination required by Section F.1.a, and copies of any policies revised per F.1.b.

Technical Assistance and Guidance

The District may request technical assistance or guidance from the Philadelphia Office for Civil Rights or subject matter experts as needed. The Philadelphia Office is available to assist the District in identifying additional expertise to needed to fulfill this Agreement.

Monitoring

The District understands that OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), which was at issue in this compliance review and complaint.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), which was at issue in this compliance review and complaint.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

_____/s/_____
Superintendent or designee
Hazleton Area School District

_____/2/11/2014_____
Date