

## Voluntary Resolution Agreement

Brandywine School District  
OCR Docket Number 03141175

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under 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, Brandywine School District (the School) voluntarily enters into this Resolution Agreement (the Agreement) and commits to implement the provisions set forth in this agreement in order to resolve the allegations in this complaint. This Agreement does not constitute an admission of liability on the part of the District and does not constitute a determination by OCR of any violation of any regulations enforced by OCR.

### Action Step #1:

By January 1, 2017 the District will assess the English Language Learner (ELL) staff at its elementary schools and determine if it has a sufficient number of qualified staff, defined as licensed teachers who are endorsed or qualified pursuant to Delaware state law, to implement its English Language Development Program (ELDP). The District will prepare a report summarizing the results of its assessment.

**Reporting Requirement:** By January 30, 2017, the District will provide OCR with a copy of the report, for review and approval, summarizing the results of its assessment pursuant to Action Step #1, above, and any supporting documentation.

### Action Step #2:

If the District determines, pursuant to Action Step #1 above, that it lacks adequate qualified ELL staff at its elementary schools to implement its ELDP, by April 1, 2017, the District will identify and describe the interim steps it will take to provide adequate staffing for the ELDP, including:

- a. continuing efforts the District is taking to recruit qualified staff members to implement the ELDP; and
- b. the steps the District will take to ensure the availability and placement of qualified staff members to implement the ELDP. This may include using current teaching staff who are certified pursuant to Delaware state law to teach in the ELDP, or using current teaching staff members who are working toward obtaining their ELL certification under Delaware state law as a condition of their employment with the District, and are receiving interim training to enable them to meet the needs of the District's ELL students.

**Reporting Requirement:** By April 30, 2017, the District will provide OCR with documentation, for review and approval, describing the interim steps it will take to provide adequate staffing for the ELDP. This documentation will include an explanation of: (a) the efforts the District is taking to recruit qualified staff members to implement the ELDP; (b) the steps the District will take to ensure the availability and placement of qualified staff members to implement the ELDP; (c) the names and qualifications of the ELL staff at each of the District's elementary schools, indicating for each staff member a statement as to whether they are certified as an ELL teacher pursuant to Delaware state law; and (d) a list indicating the number of students serviced by each ELL staff member.

**Action Step #3:**

By August 1, 2017, the District will ensure that it has a sufficient number of qualified staff to implement its ELDP program.

**Reporting Requirement:** By September 1, 2017, the District will provide OCR with documentation, for its review and approval, confirming its compliance with Action Step #3 above, including: (a) the names and qualifications of the ELL staff at each of the District's elementary schools, indicating for each staff member a statement as to whether they are certified as an ELL teacher pursuant to Delaware state law; and (b) a list indicating the number of students serviced by each ELL staff member.

**Action Step #4:**

If the District is not able, by August 1, 2017, to ensure that it has a sufficient number of qualified staff to implement its ELDP pursuant to Action Step #3 above, by September 1, 2017, and on an annual basis thereafter if necessary, the District will identify and describe the interim steps it will take to provide adequate staffing for the ELDP, including the specific steps described above in Action Steps #2.a and #2.b.

**Reporting Requirement:** By September 30, 2017, and on an annual basis thereafter if necessary, the District will provide OCR with documentation describing the interim steps it will take to provide adequate staffing for the ELDP. This documentation will include an explanation of: (a) the efforts the District is taking to recruit qualified staff members to implement the ELDP; (b) the steps the District will take to ensure the availability and placement of qualified staff members to implement the ELDP; (c) the names and qualifications of the ELL staff at each of the District's elementary schools, indicating for each staff member a statement as to whether they are certified as an ELL teacher pursuant to Delaware state law; and (d) a list indicating the number of students serviced by each ELL staff member.

**Action Step #5:**

By December 31, 2016, and on an annual basis thereafter for the duration of the monitoring of this Agreement, the District will provide professional training to the staff at its elementary schools, including building administrators, general education teachers, ELL staff, special education teachers, and paraprofessionals/aides concerning:

- a. the goals and objectives of the ELDP; and
- b. the roles of each staff member in supporting ELL students, including both current students and those who have exited the program and remain in monitoring.

**Reporting Requirement:** By January 30, 2017, and on an annual basis thereafter for the duration of the monitoring of this Agreement, the District will provide OCR with documentation substantiating its compliance with Action Step #5 above, including the following: (a) the date(s) and time(s) of the training(s); (b) the name(s) and title(s) of the person(s) conducting the training and their qualifications; (c) a description of the training, including copies of any presentations used during the training and any written materials provided to attendees; and (d) a list of the staff members who attended the training, by name and title.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner pursuant to federal regulations. Further, the District understands that during the monitoring of this Agreement, OCR may, pursuant to federal regulations, visit the District, interview staff, and students and request such additional reports or data as are reasonably 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 of the Civil Rights Act of 1964 (Title VI) 42 U.S.C. § 2000d et seq., which is at issue in this 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 sixty (60) calendar days to cure the alleged breach. This Agreement does not create any third party rights to any other person or entity, including the Complainant.

/s/

9/13/2016

\_\_\_\_\_  
District Superintendent (or designee)

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Date