

RESOLUTION AGREEMENT
Uinta County School District #1
OCR Case Number 08-15-1343

In order to resolve OCR case number 08-15-1343, filed against the Uinta County School District #1 (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. part 103.

The District's decision to enter into this Agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. The District will submit a report regarding each English Language Learner (ELL) student at Uinta Meadows Elementary School during the 2015-2016 School Year with the following information:
 - The name and qualifications (including whether the provider has a TESOL or bilingual endorsement) of the primary provider of English language acquisition (ELA) instruction to the student during the 2015-16 School Year.
 - The name(s) of any paraprofessional, tutor, or assistant assigned to provide ELA services to each ELL student during the 2015-16 School Year.
 - State whether the ELL student received the necessary minimum of 45 minutes of direct ELA instruction and provide the amount of weekly ELA instructional time each ELL student received.

For any ELL student (defined as those students who scored not proficient - levels 1, 2, 3, or 4 – in speaking/oral, listening/comprehension, reading or writing on the W-APT) who did not receive the necessary ELA instruction from a qualified ELA teacher, the District will convene a team of persons knowledgeable about the student and ELA instruction, including the students' parents, to individually assess the amount of compensatory services, if any, for each ELL student and, if necessary, draft an action plan containing proposed compensatory services or remedial measures that will be offered or taken, the specific timelines for implementation, and the person(s) responsible for overseeing full and timely implementation. Should the District determine that no compensatory services are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation, for OCR's review and approval.

REPORTING REQUIREMENT: Within 60 days from the date of this Agreement, the District will submit documentation that meets the requirements of Term 1. For any proposed compensatory services or remedial measures, the District will submit its proposed compensatory services or remedial measures to OCR for review.

2. The District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures in Term 1. After the proposed

compensatory services or remedial measures are accepted, the District will provide or begin providing the compensatory services or take the remedial measures.

REPORTING REQUIREMENT: Within 30 days from the date of OCR's acceptance of the proposed compensatory services or remedial measures, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures. For compensatory services and remedial measures that will occur over time, the District must submit documentation regarding the specific timelines for implementation, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified. The case will remain in monitoring until all compensatory services and remedial measures have been provided in full.

3. A Plan to Serve All ELL Students. The District will develop a written Plan with Districtwide policies and procedures to ensure that ELL students have equal access to the District's educational program.
 - a. By May 1, 2016, the District will develop and submit to OCR for review and approval an initial draft Plan for providing meaningful educational services to all its ELL students. The District will continue to submit draft plans until OCR approves a final Plan for the District's full and timely implementation.
 - b. For each Plan item, the Plan will specify the appropriate policies and procedures, corresponding activities, the dates for these activities, the persons responsible, and the supporting documentation. The District's Plan will address the following educational services for ELL students:
 - i. Placement of ELL Students. The District will ensure, and incorporate into the Plan procedures to ensure, appropriate placement of all ELL students into an alternative language program. The procedures will be designed to ensure that all ELL students receive appropriate English language acquisition services, including English language development services, and will include in all ELL students' files the District's documentation of placement decisions. The District will develop and implement a procedure for ensuring that all District ELL students are provided with English language services by a qualified teacher (one with TESOL or bilingual endorsement) at the start of each school year and in a timely way for newly enrolled ELL students during the school year
 - ii. Selected Alternative Language Models. The District will fully implement, and describe in its Plan, the ALP model(s) that will be provided to ELL students at the elementary, middle, and high school levels; and delineate what educational services (including English language development services) will be provided to all ELL students, based on their respective English language and academic needs.
 - iii. Staffing. The District will ensure, and incorporate into the Plan procedures to ensure, that it has assigned a sufficient number of adequately trained staff members to properly implement the ALP models and services at each school.

1. The District will describe the staffing resources it needs to effectively implement the ALP model(s), including the training and qualifications of staff that provide services in the program.
 2. The District will determine how many certified and endorsed/qualified teachers and other staff members are necessary to fully implement the ALP model(s) at each school. In making this determination, the District will consider the training and qualifications of staff needed to implement each service model. The District agrees that the primary providers of ALP instruction are to be licensed teachers who are sufficiently trained and qualified to deliver ALP instruction.
 3. The District will determine whether there are a sufficient number of adequately trained staff members assigned to properly implement the ALP models and services and, if not, how many additional staff members need to be trained, hired, or assigned to the ALP program to fill those staffing needs. The District will implement a plan to fully and timely meet its ALP staffing needs (i.e., fully qualified staff teaching all ELL students). The District will describe any specific training program for its staff, and include supporting documentation regarding its development and implementation (including educational experts and or state approvals).
 4. The District will show how it has determined that its teachers have mastered the skills necessary to teach effectively in a program for ELL students. For example, in making this determination, the District will use validated evaluative instruments that have been shown to accurately measure the skills in question, and have the teacher's classroom performance evaluated by someone familiar with the method being used.
 5. The District will implement the staffing plan described in the preceding paragraphs to meet its staffing needs. The District will monitor the staffing plan's benchmarks or timelines to ensure adequate and timely progress in meeting the District's staffing needs.
- iv. Program Evaluation and Modification. Based upon the District's goals and objectives for ensuring equal educational opportunities for ELL students, the District will incorporate into its Plan its procedures for evaluating the effectiveness of its ALP and services for ELL students. The District will collect longitudinal data annually for use in its evaluations. The District will include an analysis of the evaluation data according to each factor used for determining the effectiveness of the District's ALP. The District will also describe steps to modify or improve its ALP programs and services for ELL students, where necessary, based upon the results of its program evaluation. The District agrees it will not continue indefinitely with programs and services that, despite soundness of design and implementation, do not satisfy its goals and objectives for providing educational services to its ELL students.
1. For the first self-evaluation due by September 1, 2016, the District will provide:

- a. The total number of PHLOTE students and ELL students, by school, for school year 2015-16;
 - b. An assessment of the ALP placement and services for ELL students;
 - c. A description of staff training needs and the District's response to identified needs; and
 - d. Its policies and goals for providing educational services to ELL students. This will include the District's objectives for providing educational services to ELL students, including the objectives of the ALP models selected; and a list of specific, measurable language acquisition and performance goals for ELL students.
2. The District's Plan will provide, for school year 2016-17 and all subsequent program evaluations (to be conducted at least once every two years):
- a. A description of the factors used to determine the effectiveness of the District's programs and services. Some factors to include in the self-evaluation are:
 - i. Whether current ELL students are satisfying established goals and objectives for student participation and achievement;
 - ii. Whether the District's staff training program is sufficiently training teachers to meet ELL students' English language development and access to content curriculum needs, and meeting the stated intent of the training program's design as described in Staffing, Term 4(b)(iii) above.
 - iii. Whether current ELL students are gaining in English language proficiency in speaking, reading, writing, and comprehension;
 - iv. ELL and former ELL students' academic progress and dropout, graduation, and grade retention rates, as compared to their non-ELL peers; and
 - v. Whether ELL students are statistically over-represented or under-represented in special education referrals and placements or the gifted and talented program. This analysis includes considering the ELL students with their general representation in the District and comparing them with former ELL and non-/never ELL students.
 - b. The procedures used to determine the extent to which staff hiring, training, or development is needed to ensure a full contingent of qualified teachers for the ALP to fully implement the Plan; and

- c. The specific steps the District will take, including time frames and persons responsible, to ensure that program modifications or improvements are implemented when necessary to ensure program effectiveness for ELL students.
4. Implementation of the Plan.
 - a. By September 1, 2016, the District will provide a draft procedure for OCR's review and approval.
 - b. Within 30 days of OCR's approval of all terms of the Plan, the District will:
 - i. Provide documentation to demonstrate that all school site administrators have received a copy of the Plan;
 - ii. Provide a training agenda for administrators and staff regarding the implementation of the Plan (including training dates and training responsibilities); and
 - iii. In a newsletter or other similar document, notify parents and guardians of all District students (in a language they understand) that the District has developed a Plan to ensure that national-origin minority ELL students have equal and meaningful access to the District's educational services.
 - c. Within 30 days of OCR's approval of the complete Plan, the District will submit a complete, final copy of the Plan to OCR, and begin implementing all terms of the Plan. The District will implement the specific Plan provisions in accordance with the policies, procedures, and time frames specified in the Plan. The District will begin fully implementing the approved Plan by October 15, 2016.
 - d. By June 30, 2017, the District will provide to OCR the program evaluation required by Agreement term 3(b)(iv)(2), and will provide a description of any program modifications implemented as a result of the program evaluation by October 30, 2017.
 - e. By January 15, 2017, and May 15, 2017, the District will provide supporting documentation to OCR that all ELL students at the School are receiving ELD services from qualified teachers.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI of the Civil Rights Act of 1964, which were at issue in this case.

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.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulations implementing Title VI of the Civil Rights Act of 1964, which were at issue in this case.

For Uinta County School District #1:

_____/s/_____
Superintendent

Date

3/17/2016