

Resolution Agreement  
Tigard Tualatin School District  
OCR Case No. 10105002

Tigard-Tualatin School District (District) enters into this agreement to resolve a compliance review (Reference No. 10105002) initiated by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.* (Title VI) and its implementing regulation, 34 C.F.R. Part 100.

A. Review of District English-Language-Learner (ELL) Policies and Procedures

Action Items

1. By February 3, 2014, the District will review its English Learner Program Plan (ELPP)<sup>1</sup> and, where necessary, develop policies and procedures that comport with the requirements of Title VI and its implementing regulation. This plan, which is submitted to and approved by the Oregon Department of Education (ODE), will describe how the District ensures that all English Language Learner (ELL)<sup>2</sup> students in all educational settings, including special education, are provided with English Language Development (ELD)<sup>3</sup> program services, including accessible instruction. This plan will include how the District serves ELL students by proficiency level and grade.
2. By February 3, 2014, the District's policies and procedures will ensure that all ELL students are provided services consistent with its ELPP, including placement into ELD program services. The policies and procedures will include:
  - a. For any ELL student, if the District deviates from its ODE approved ELPP, the District will document why the ELL student is not provided with ELD program services in accordance with the ELPP.
  - b. The District will maintain records for all ELL students which will include, by name: school, grade level, assessment results, proficiency level, and the program services provided, including the type, amount, and time of services to be provided.
  - c. The District will develop and implement a policy or procedure to ensure that all ELL students receive ELD program services until the students meet the ELPP criteria to exit the ELD program.
3. By February 3, 2014, the District will review the notification provided to parents/guardians of newly identified ELL students to ensure that the notification informs the parents/guardians of the benefits of participation in ELD program services and that the parents/guardians may

<sup>1</sup> *English Learner Program Plan (ELPP)* is defined by the district for purposes of this agreement as the plan that Oregon Department of Education (ODE) requires school districts to submit for approval biennially. It includes program evaluation, a description of the needs of the students in the district, the District's ELD program services model and the rationale for the model; and parental communication and involvement.

<sup>2</sup> *English Learners (EL) or English Language Learners (ELL)* are students who, as a result of their language background and status, are determined to have limited proficiency in English that affects their ability to profit from and participate in school.

<sup>3</sup> *English Language Development (ELD) program services* means services that are provided to EL or ELL students. These services include systematic instruction in English and the provision of general classroom instruction that is designed to be accessible to such students.

make a written request to remove the students from ELD program services. This notification will be provided in a language limited English proficient (LEP) parents can understand. In the case of low incidence language groups, the District will use interpreters to provide this information.

4. By February 3, 2014, the District will provide services to students whose parents removed them from ELD program services by monitoring their academic progress and including them in any intervention programs provided for struggling students to ensure that they are able to participate in the regular instructional program. The District will contact the parents of such students and provide the student's parents/guardians with results of any assessments of the student and the benefits of ELD program services. The District will also provide the parents/guardians an opportunity to participate in a meeting with the District, in an understandable language, to explain the goals, objectives, and benefits of ELD program services.
5. By February 3, 2014, the District will review the progress of any enrolled students who (1) were exited from ELD program services without meeting criteria set forth in the approved ELPP; or (2) did not receive services consistent with the approved ELPP, for the school years 2011-2012, 2012-2013, and the current year 2013-2014. The District will identify any enrolled students who may have suffered academic deficits (a grade of D or F in one or more of the core content classes of English Language Arts, Math, Science and Social Studies) and will provide supplementary services and, as appropriate, re-enter them into ELD program services.

#### Reporting Requirements

1. By March 3, 2014, the District will submit to OCR a copy of its ELPP which describes how the needs of ELL students will be met at all grade and proficiency levels, as set out in Action Items 1 and 2 above.
2. By June 30, 2014, and by the same date annually thereafter until OCR determines that the provisions of Action Item 2 have been satisfied, the District will submit to OCR the updated roster of all ELL students and the following information:
  - a. The total number of ELL students enrolled in each school, by grade level and proficiency level, and ELD program services provided. The roster will include any students who are not receiving ELD program services and the reason the student is not receiving services.
  - b. School schedules and class lists sufficient to establish frequency and duration of services for students enrolled in those classes.
  - c. For each ELL student whose parents refused services, a copy of the notice to parents regarding the student's placement, a copy of the parent's written refusal of services, and documentation of a meeting with the parent to discuss the student's program. In the event the parent refuses to attend such a meeting or does not respond to requests for a meeting, documentation of at least two contacts with the parent in attempt to arrange such a meeting.

- d. For each enrolled student whose ELD program services deviated from the approved ELPP, or who were exited from the program without adherence to the ELPP procedures, the student's grade, proficiency level, reason for deviating from the program, the District's determination of whether the student suffered academic deficits as a result of the deviation, supplementary services provided as a result of that determination, and current placement relative to ELD program services.
3. By June 30, 2014, the District will provide OCR a copy of the notices that were provided to parents/guardians in accordance with Action Item 3.
  4. By June 30, 2014, the district will provide the following information in accordance with Action Item 4 and 5, above:
    - a. For each ELL student not included in the ELD program services, the student's grade level, proficiency level, reason for not receiving services, and a statement of the language support services being provided to the student and description of the student's academic progress and whether they are able to participate meaningfully in the regular instructional program. For each student who is not being served because the parent opted out, the District will provide to OCR a copy of the information provided to the parent/guardian of students who are not being served and documentation of when the District held a meeting with that parent and who was present during the meeting.
    - b. For each ELL student who is provided alternative language services in a manner that deviates from the District's ELD program services, the student's grade level, proficiency level, services provided, and reason for deviating from the chosen alternative language program ELD program services.

B. Staffing and Staff Development

Action Items

1. By February 3, 2014, the District will ensure that there are qualified and trained teachers and teaching staff to implement ELD program services. The District will employ a sufficient number of qualified teachers and staff so that:
  - a. Caseloads are comparable from school to school by elementary, middle, and high school levels;
  - b. Students are provided English Language instruction in group sizes that are differentiated by level of exposure to English and English language proficiency; and
  - c. There are sufficient staff members to provide instruction at the duration and frequency described in the approved ELPP.
2. By February 3, 2014, if the District does not have sufficient qualified and trained staff for its ELD program of services for the 2013-2014 school year, it will describe the interim steps it will take to provide staffing, including:
  - a. The continuing efforts the District is making to recruit qualified and trained staff members to implement the ELD program services; and

- b. The steps the District will take to ensure the availability and placement of qualified and trained staff members to implement the ELD program services.
3. By February 3, 2014, the District will review, revise and implement the District's Title III Improvement Plan<sup>4</sup> and approved ELPP so that the plans will ensure that the classroom performance of teachers who provide ELP program services is evaluated by administrators who are knowledgeable about instructional methodologies identified in the approved ELPP. This evaluation will include ensuring that teachers are current in any professional development requirements.
4. Throughout the 2013-2014 school year, and no later than June 30, 2014, the District will provide training on the ELD program service instructional methodology to all individuals identified to evaluate ELD program services instructors.
5. By the beginning of the 2014-2015 school year, the District will ensure that all of its staff providing ELD program instruction to ELL students are trained to implement the instructional methodologies consistent with the approved ELPP and the approved Title III Improvement Plan.

#### Reporting Requirements

1. By March 3, 2014, the District will provide OCR with documentation of its staffing model for ELD program services. The description will include:
  - a. Caseload and instructional group size guidelines; and
  - b. The names and qualifications of teachers at each school along with their projected daily schedules and number of ELL students for each classroom period.
2. By March 3, 2014, if the District has determined that there are not sufficient qualified and trained staff members for the ELD program, as described in Action Item 1, it will explain the interim steps it will take in accordance with Action Item 2 to provide adequate staffing. By June 30, 2014, the District will provide documentation to OCR on any interim steps that were implemented during the 2013-14 school year.
3. By March 3, 2014, the District will submit to OCR a copy of the District's Title III Improvement Plan and approved ELPP, and any additional policies and procedures that were developed to ensure that the classroom performance of the teachers providing ELD program services is evaluated by a person knowledgeable about the instructional methodologies utilized in the ELD program, in order to document the completion of Action Item 3.
4. By June 30, 2014, the District will provide documentation of its implementation of Action Items 4 and 5 by providing OCR a schedule of all training relative to those items, brief descriptions of those trainings, the names and qualifications of the individuals responsible for provision of

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*Title III Improvement Plan* is the plan that is required by the Elementary and Secondary Education Act for school districts that have not met their Annual Measurable Achievement Objectives for a specified period of time. It must be submitted to ODE and approved as a condition of continued receipt of Title III funds.

the training and the names and titles of those in attendance.

C. Program Evaluation and Modification

Action Items

By August 30, 2014, and by the same date annually thereafter until OCR determines that this provision has been satisfied, the District will evaluate the effectiveness of its ELD program services and will identify modifications that it will make to improve the program's effectiveness in the 2014-2015 school year. Specifically, the District will complete the following:

1. The process will include the program evaluation required by the district's approved ELPP and Title III Improvement Plan, and will include at a minimum, progress on Annual Measureable Achievement Objectives (which includes progress in English Language Proficiency and academic achievement) as identified by the Elementary and Secondary Act, attendance, and for middle school and high school students, grades, and for high school students, retention, drop-out and graduation rates.
2. The process will also include a review of the instructional materials provided to ensure that such materials are sufficient to effectively implement its selected ELD program service model for instruction of ELL students. Such materials will be appropriate to the curriculum, and comparable in quality, availability and grade level to materials provided for the instruction of non-ELL students.

Reporting Requirements

By September 12, 2014, and by the same date annually thereafter until OCR determines that the action item above has been satisfied, the District will submit to OCR a copy of its ELPP and Title III Improvement Plan with the required program evaluation components. The District will also submit to OCR a written description of the instructional materials it has in place as well as ordered, by school and grade level, to be used in the alternative language program and regular classrooms. The report will also include a written explanation as to how the materials are appropriate to the curriculum and comparable in quality, availability and grade level to materials provided for the instruction of non-ELL students.

D. Parental Communication

Action Items

1. By May 1, 2014, the District shall revise and implement its policies and procedures to ensure that LEP parents are notified, in a language understood by the parents, of school activities and other information and matters that are called to the attention of other parents. Specifically, the District will revise its policies and procedures to ensure that:
  - a. The policies and procedures will specify how 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 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 recording 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.
  - 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.
  - f. When the District generates and sends commonly used documents to parents of students enrolled in the District, the District/schools will send the documents to identified LEP parents in a language they can understand. Where translation is impractical due to the low incidence of the language, the District will advise parents of who to contact in the District if they need assistance in understanding notices and will provide oral interpretation as necessary for the parents.
2. By May 1, 2014, the District will provide training to District administrators and other staff members involved in the provision of interpreter and translation services on the revised policies and procedures.
  3. By May 1, 2014, the District will provide notice to LEP parents of the changes to the policies and procedures described in item 1.

#### Reporting Requirements

1. By May 1, 2014, the District will submit to OCR a copy of its revised policies and procedures concerning parental communication.
2. By May 1, 2014, the District will submit to OCR documentation of the training provided pursuant to item 2, including a brief description of the training, the name and qualifications of the individual

responsible for providing the training, and the names and titles of those in attendance.

3. By May 1, 2014, the District will provide notice to LEP parents of the changes to the policies and procedures and submit to OCR a copy of the notice provided to LEP parents.
4. By June 30, 2014, and by the same date annually thereafter until OCR determines that this provision has been satisfied, the District will submit to OCR documentation of its implementation of the policies and procedures in action item 1 during the previous school year. Documentation shall include copies of notices sent to LEP parents of the availability of free language services, a list of individuals who requested such services, what services were provided, and the name and qualification of the staff member who provided the interpretation or translation service.

E. General Provisions

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.

The District understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, OCR may visit the District's schools and offices, 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. Part 100, which was/were at issue in this compliance review.

OCR acknowledges that, aside from monitoring and administering the specific terms of this Agreement so as to ensure compliance, this Agreement concludes any active compliance review or investigation undertaken or contemplated by OCR of the District's provision of services to ELL services. While nothing herein precludes OCR from initiating an investigation in response to a complaint or future concern, the parties agree that no such investigation is pending or under consideration as of the signing of this Agreement.

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 at 34 C.F.R. Part 100.

\_\_\_\_\_/s/\_\_\_\_\_  
Mr. Ernest Brown  
Superintendent  
Tigard Tualatin School District

\_\_\_\_01/27/2014\_\_\_\_\_  
Date