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CABRILLO UNIFIED SCHOOL DISTRICT

VOLUNTARY RESOLUTION PLAN

Office for Civil Rights

U.S. Department of Education

Docket Number 09-9B-1108

The Cabrillo Unified School District agrees to implement the commitments outlined below to ensure that all English language Learner (ELL) students in the District are provided meaningful educational access to the District programs, in order to ensure compliance with Title VI of the Civil Rights Act of 1964.

The District will develop and submit to OCR a written Master Plan (Plan) for providing educational services to ELL students. The Plan will contain, at a minimum, the following components:

- a) A statement of the District policies and goals for providing educational services to ELL students.
- b) A description of District criteria and procedures to ensuring that all ELL students in the District are identified and their language proficiency is assessed. The District will assess the extent to which each potential ELL student speaks, reads, writes and understands English. Th District will select and utilize instruments for assessing English proficiency, which have been appropriately normed and validated for that purpose. Trained persons will administer assessments. Where parents do not reveal primary home language other than English on a Home Language Survey (HLS), but the District has reason to believe that a language other than English is spoken in a student's home the parents will be notified that the student will be assessed in oral, reading, comprehension and writing skill in English.
- c) A description of District procedures for assessing the proficiency of ELL students in their primary languages.
- d) A description of the programs and methods to be

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used at each school site to provide ELL students equal educational opportunities. The Plan will include criteria for appropriate placement of all ELL students in the District program. The Plan will ensure that the following essential program components will be available to each student who has been identified as an ELL and that appropriate instructional materials will be utilized.

1. Daily instruction in English language development (ELD). ELD will be taught by teachers who have language development specialist or bilingual credentials or certificates, or the equivalent (such as CLAD or BCLAD), or who are currently in the process of acquiring such certificates or credentials.

"Currently in the process" as it is used here means a teacher who has agreed to obtain the appropriate credential within three years of signing a contract with the District.

2. The Plan will include a description of how ELD instruction will be provided to students (if any) who have completed all available levels of ELD classes.

3. Access to grade level core curriculum as determined by the District's Plan. If primary language instruction is part of the District's program for ELL students, such primary language instruction will be provided by teachers who have bilingual certificates or credentials, or the equivalent, or who are currently in the process of acquiring such certificates or credentials.

4. When specially designed academic instruction in English (SDAIE) is provided, teachers must have the appropriate credential either a language development specialist certificates (LDS) or credentials, or the equivalent, or who are currently in the process of acquiring such certificates or credentials.

5. A description of the method by which the program, including instruction in language arts, social studies' mathematics and science, will be delivered to students with extremely limited English proficiency.

6. The criteria to be used to place students in ELD and all curriculum classes required for the student's grade level and/or graduation. The Plan may provide for the gradual transition of ELL students from the primary language or sheltered instruction into regular classes through the use of identified criteria, including the student's English language proficiency, academic proficiency in subject, and the extent to which the subject is language-dependent, and/or additional support can be provided in the regular classroom.

7. The method by which graduation, vocational, electives, and honors/advanced placement classes will be made available in an effective manner to ELL students.

**e) Provisions ensuring that the District has appropriate staffing to implement its programs for ELL students. The District will address the**

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**following:**

1. The training and qualifications of staff needed to implement the programs.
2. The extent to which qualified staff is needed to implement the programs that are currently offered. All fully qualified staff will be appropriately assigned to classes for ELL students.
3. Where qualified staff is not available, a description of the interim steps the District will take to provide staffing for the programs, and the assistance (i.e. use of bilingual aides, college student: teacher interns, etc.) that will be provided to teachers assigned to teach ELL students.
4. For teachers who are in training, a description and schedule of the training the teacher will receive and the means by which the District will ensure that these teachers make regular progress in their training.

f) A description of the District's redesignation procedure and criteria. The redesignation criteria will include the following: a teacher evaluation of curricula mastery; an objective assessment of English comprehension, speaking, reading, writing, and math; and an opportunity for parental opinion and consultation.

g) A description of the system by which ELL students who have been redesignated as Fully English Proficient will be monitored. The Plan will articulate what type of monitoring will take place, length of time, the person(s) responsible for the monitoring, and the interventions to be taken if monitoring demonstrates that the student is not succeeding in the regular program without language assistance. Monitoring will be conducted for a period of time long enough to determine a student's continued success, and for no less than two years after redesignation.

h) The District will designate site staff to be responsible for ensuring that the program is fully implemented, the students are assigned to appropriate classes with trained

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teachers, that student progress is monitored, and the teachers are using appropriate techniques in providing instruction to ELL students. Each site will ensure that this staff member has adequate time to fulfill these responsibilities.

i) A description of the guidelines by which the District will evaluate its program for ELL students, including procedure for improving or modifying the programs for ELL students based on the District self-evaluation procedures. The Plan will specify the criteria for program evaluation and address how the District will evaluate the effectiveness of its ELL program. The Plan will identify the individual who will be responsible for evaluation of the program.

j) A description of District procedures for notifying all ELL parents of school and District activities, and of student progress reports. These notices will be properly translated by a qualified staff member.

By November 30, 1999, the District will provide OCR a draft copy of its written ELL Master Plan, including any applicable support materials and information, for OCR comment and approval.

II. The District agrees to remedy the following site problems at Cunha Intermediate School (Cunha) and Half Moon Bay High School.

a) Identification and Assessment: The Cunha site assessment data for the majority of the ELL students was out of date and/or incomplete. Similarly ELL students at Half Moon Bay High school have not been properly or completely assessed with respect to their English language proficiency.

1) By September 30, 1999, the District will develop a plan to assess all Cunha and Half Moon Bay ELL students in oral reading, writing and comprehension that have not been assessed within the last three years.

2) The plan will include a draft timetable for the completion of all testing and assessment of Cunha and Half Moon Bay ELL students. This timetable will apply to the testing and assessment of all new and returning ELL students who will be

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enrolled for the 1999-200 school year.

3) By November 30, 1999, the District will submit the complete and updated testing and assessment results to OCR.

**b) Placement and Educational Program for ELL students: Cunha placement data indicated that 166 ELL students were placed in one of five programs (newcomer, sheltered, mainstream dual immersion or special education) based on out of date and/or incomplete English proficiency scores. At the Half Moon Bay site OCR noted that 157 students were placed in one of four programs, (newcomer, sheltered, mainstream or special education).**

1) English Language Development (ELD): The Cunha site data indicate that there was a lack of daily ELD instruction English proficiency levels. The spring 1999-Language Census indicated 114 ELL students at Half Moon Bay were not enrolled in an ELD class.

2) The District will adopt an appropriate ELD curriculum at Cunha and Half Moon Bay that addresses the delivery of **progressive levels of ELD instruction to ELL students of all** English language proficiency levels. Daily instruction in ELD will be provided to each ELL student for a specified length of time at a level appropriate to the student's level of English proficiency.

3) By November 30, 1999, the District will provide a draft of the ELD curriculum and placement criteria to OCR to review. By February 1, 2000, the District will incorporate OCR input and will confirm to OCR that it has begun to implement the ELD curriculum and placement criteria.

4) Access to Core Content Area Instruction: The Cunha site data indicates that 60 percent of all ELL students are failing in their core content classes. At the Half Moon Bay site the scheduling of classes did not provide many ELL students access to graduation requirements because there were few properly credentialed instructors available to provide language support or assistance.

5) By February 1, 2000, the District will revise its program model for the Cunha and Half Moon Bay sites to ensure ELL students **have access to daily ELD** and core curriculum through instructional methodologies that are based upon the diagnosed needs of the students. The District Plan will include development and use of objective assessment criteria, corresponding data, goal and benchmarks of student expected growth to insure the ELL students are accessing the ELD curriculum and grade level core content.

6) By February 1, 2000 the District will document for OCR the number of ELL students at Cunha and Half Moon Bay enrolled for the Fall 1999 semester and will provide OCR the following information for each student: i) reading and writing proficiency levels and dates of most recent assessments; ii) a copy of the class schedule for each ELL student enrolled; iii) plan to remedy the academic deficits for all ELL students with core content class grades of c- and below and iv) a copy of the site's Master Schedule, with an indication of which classes provide primary language instruction, SDAIE, or are otherwise modified to provide content access

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to ELL students.

### III. Program Implementation:

**a) Staffing: The site data revealed that many ELL student are placed into classrooms with teachers that are misassigned because they do not possess the appropriate credentials to instruct ELL students.**

1) By November 30, 1999, the Cunha and Half Moon Bay sites will develop a staffing plan that will include target numbers for qualified staff as determined by the needs of ELL students based upon the actual distribution of ELL students and the configuration of classes.

2) By November 30, 1999, the District will provide OCR with the following information from Cunha and Half Moon Bay sites: a) the number of ELL students in each class; b) the qualifications of each teacher; c) a list of teachers who are in training for an LDS/CLAD and a BCC/BCLAD; and d) description of interim step the sites will take to provide staffing for the programs and the assistance that it will provide to teachers assigned to teach ELL students during the interim phase.

**b) Special Education: At the Cunha site OCR noted that 68 out of 166 ELL students were in special education placements, approximately 40.9 percent of the total ELL population. At Half Moon Bay, the numbers of ELL students designated as needing special education services was approximately 19 percent (30 of 157). Such numbers infer that ELL student may be over represented in the District's special education programs.**

1) By November 30, 1999, the District agrees to review its procedures for ensuring that ELL students have been properly assessed for special education and related aid and services in the appropriate language and by the appropriate professionals.

2) By November 30, 1999, the District will provide OCR a copy of a report or document which should include the following information for each ELL enrolled in a special education: 1) ELL student name and dates of last assessment for special education; ii) disability; iii) identify which ELL students need reassessment; iv) draft timeline for completion of reassessment; v) list member of assessment team that has a CLAD or BCLAD and expertise in the field of special education for students.

### Program Evaluation:

**a) Both Cunha and Half Moon Bay sites had no evaluative component to determine the effectiveness of their ELL program. The only available indicator of program effectiveness was a review of ELL student**

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grades. OCR notes that additional measures of ELL student achievement and progress are necessary to insure that the District is meeting it (sic) dual federal responsibility to teach English and provide *meaningful access* to the core.

1. By November 30, 1999, the District will describe the means by which the Cunha and Half Moon Bay sites will evaluate its ELL program, including the procedures for improving or modifying the program and identify the individuals who will be responsible for evaluation of the program.

**Madaline Shearer,**

**Assistant Superintendent of Curriculum and Instruction,  
Cabrillo Unified School District**

**10/27/99**