

Settlement Agreement

between

The United States of America

and

Adams 12 Five Star Schools

SETTLEMENT AGREEMENT

DEFINITIONS

1. “Adams 12 Five Star Schools” (hereafter “Adams 12” or the “District”) refers to the Thornton, Colorado Board of Education and the public schools it operates.
2. “ELL” refers to an English Language Learner student who requires assistance to overcome language barriers that impede his/her equal participation in the District’s instructional programs. The District has two general categories of ELLs – “NEP” and “LEP”.
3. “NEP” refers to an ELL who is Non-English Proficient. A NEP’s overall English proficiency in listening, speaking, reading, and writing is at the Beginning or Early Intermediate stages; this level includes students who are just beginning to understand and respond to simple routine communication through those who can respond with more ease to a variety of social communication tasks.
4. “LEP” refers to an ELL who is Limited English Proficient. A LEP’s overall English proficiency in listening, speaking, reading, and writing is at the Intermediate or Advanced stages. Students at this level are able to understand and be understood in many to most social communication situations, are gaining increasing competence in the more cognitively demanding requirements of content areas, but are not yet ready to fully participate in academic content areas without linguistic support.
5. “FEP” refers to a former ELL who is Fluent English Proficient. A FEP has acquired fluent English proficiency in listening, speaking, reading, and writing.
6. “Redesignation” refers to changing an ELL’s language proficiency category from LEP to

FEP-M1.

7. “Reclassification” refers to changing an ELL’s language proficiency category, except when changing it from LEP to FEP-M1.
8. “SPED ELL” refers to an ELL who also is in need of special education services as defined by the Individuals with Disabilities Education Improvement Act (“IDEA”).
9. “ELD Profile” refers to the District’s repository for gathering and recording information on individual ELLs and monitored FEPs. ELD Profiles track the progress of ELLs and monitored FEPs from year to year as measured by students’ progress against the Colorado ELD standards. ELD Profiles include the following categories of information: type of language support services, number of minutes served, successful instructional strategies, assessment accommodations, academic interventions, service providers, level of performance in the four language domains, progress in the four language domains, redesignation and monitoring information and decisions, educational history, and English language proficiency assessment data.
10. “ELL Program” and “Program” refer to the Adams 12 strategic plan for providing meaningful language services to all of the District’s ELLs. The Adams 12 ELL Program is attached in its entirety as Attachment A to this Settlement Agreement (“Agreement”).
11. “ESL” refers to English as a Second Language instruction. ESL services are provided by an ESL/Bilingual/Linguistically Diverse-endorsed teacher to ELLs in a small-group setting.
12. “ELD” refers to English Language Development instruction. ELD instruction provides language support services to ELLs by a trained classroom teacher in a whole-group

- setting or co-taught by a classroom teacher and an ESL teacher.
13. “SI” refers to Sheltered Instruction. SI is a teaching technique that makes grade-level content comprehensible for ELLs while they are developing English proficiency. When implementing SI, teachers scaffold instruction to aid student comprehension of content topics and objectives by adjusting their speech and instructional tasks and by providing appropriate background information.
 14. “Language services” and “Language acquisition services” refer to ESL, ELD, and/or SI instruction for ELLs.
 15. “Instructional staff” refers to teachers and teaching staff, including but not limited to full-time and part-time classroom teachers, ESL and ELD teachers, special education and gifted/talented instructors, and literacy specialists.
 16. “ELL Administrator Designee” refers to the building-level principal or assistant principal who is responsible for overseeing implementation of the ELL Program at the building level.
 17. “LASS Department” refers to the District’s Language Acquisition Support Services Department. The LASS Department is the District office responsible for providing language services to ELLs. The LASS Department is responsible for implementing the District’s ELL Program and monitoring District compliance with the ELL Program and this Agreement.

PURPOSE

18. Adams 12 Five Star Schools, by signature of its Superintendent, agrees to the terms of this Agreement and agrees to comply with its provisions in order to address and resolve

the issues raised by the United States Department of Justice, Civil Rights Division (hereafter the “United States”) regarding the District’s legal obligations under the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1701 *et seq.* (hereafter “EEOA”).

19. In consideration for the commitments made herein by Adams 12, the United States agrees not to initiate judicial proceedings to (a) enforce the requirements of the EEOA that govern the District’s education of ELLs, and (b) compel the District to take appropriate measures to overcome language barriers that impede equal participation by ELLs in the District’s instructional programs.
20. This Agreement shall become effective on the date of its entry and shall remain in effect for four full school years following that date.¹ The date that counsel for the United States signs the Agreement shall be considered the entry date. The signatories undertake this Agreement as a means of alternative dispute resolution to avoid litigation and for the purposes of judicial and governmental economy. The Agreement shall not be construed as an admission of liability by the District to any violations of the EEOA.

GENERAL REQUIREMENTS

21. As required by the EEOA, the District shall take appropriate action to overcome language barriers that impede equal participation by ELLs in its instructional programs. *See* 20 U.S.C. § 1703(f).

SPECIFIC REQUIREMENTS

ELL Program Generally

22. The District agrees to implement in good faith its ELL Program, as set forth in

¹ While this Agreement is in effect for four school years, the District has a continuing obligation

Attachment A. If the District seeks to amend its ELL Program, it shall provide the United States sixty (60) days notice of the proposed amendment, and the United States shall have sixty (60) days to notify the District of any objections. If the United States objects to the proposed amendment, the District and the United States shall work together in good faith to reach a resolution that ensures the ELL Program's compliance with the EEOA.

23. For the school years 2009-10 and 2010-11 ("Bridge Years"), the District shall implement a modified version of its ELL Program as set forth below. The purpose of the Bridge Years is to allow the District adequate time to train its instructional staff as proposed, conduct recruitment and hiring, purchase necessary materials, and take other reasonable measures necessary to ensure implementation of the ELL Program, as set forth in Attachment A.

Instruction

24. The District shall adopt three instructional models for the provision of ELL language services (*i.e.*, Program Model 1, Program Model 2, and Program Model 3) and shall implement and operate its ELL Program instructional models, as set forth in Attachment A.
25. The District retains discretion under this Agreement to determine which elementary schools shall operate under Program Models 1 and/or 2. District secondary schools shall operate under Program Model 3.
26. From the 2011-12 school year forward, ELD instruction shall be taught by a highly

to comply with the EEOA, as described in ¶ 21.

qualified teacher with an ESL/Bilingual/Linguistically Diverse endorsement or co-taught by (a) a teacher with an ESL/Bilingual/Linguistically Diverse endorsement and (b) a classroom teacher who has completed the Adams 12 ELD Certification. ESL instruction shall be taught by highly qualified ESL teachers with an ESL/Bilingual/Linguistically Diverse endorsement. If the District is unable to meet the foregoing requirement after engaging in good faith recruitment, the District shall ensure that any ESL and ELD teachers lacking an ESL/Bilingual/Linguistically Diverse endorsement are making consistent progress toward obtaining one within two years. Sheltered Instruction shall be taught by a teacher who has completed the Adams 12 Advanced Sheltered Instruction Certification.

27. From the 2011-12 school year forward, the District shall ensure that all ELLs in the District who have not opted out of the ELL program in writing shall receive at least one class period (*i.e.*, approximately 45 minutes) of ELD/ESL per day. To the extent practicable or appropriate to student need, the District shall provide ELLs with additional language acquisition services, with less proficient students receiving more services.
28. From the 2011-12 school year forward, per the District's ELL Program, as set forth in Attachment A, all ELLs shall receive SI in the content classes of math, science, and social studies. In such classes, instruction shall be primarily in English, and teachers shall use sheltered content instructional techniques (*e.g.*, grouping students by language proficiency level, adapted materials and texts, visual displays, cooperative learning and group work, primary language support, and clarification) to make lessons understandable. The District shall ensure that in SI content classes: (a) speech is appropriate for ELLs'

English proficiency levels; (b) supplementary materials support the content objectives and contextualize learning; (c) instructors teach vocabulary that is relevant to the subject matter; (d) adapted content, including texts, assignments, assessments, and presentation of content in all modalities, is within the ELLs' English proficiency level(s); (e) ELLs are afforded regular opportunities to practice and apply new language and content knowledge in English; and (f) academic tasks are clearly explained to ELLs. To accomplish this end, the District shall collect data on the academic growth and achievement of ELLs receiving SI in math, science, and social studies.

29. During the Bridge Years, the District shall ensure that all ELLs in the District who have not opted out of the ELL program shall receive at least one class period (*i.e.*, approximately 45 minutes) of ELD/ESL on regularly scheduled school days that are not early release days a minimum of four days per week and SI daily in content classes. During weeks that have fewer than five school days, services will be offered on all but one of the days.
30. While the District may supplement ESL/ELD and SI with interventions and instructional services (*e.g.*, literacy programming), these interventions and services shall not be a substitute for ESL/ELD and SI services.
31. Three times per year, the District will compile data required by ¶ 65(b) regarding which ELLs receive language services.
32. If the District learns at any time that an ELL who has not opted out of language acquisition services is not receiving services consistent with the ELL Program and this Agreement, within thirty (30) days the District shall take reasonable steps to ensure that

appropriate ELL services are provided to the student.

33. The District shall use CDE-adopted standards in devising curricula to meet the language needs of ELLs.

Faculty and Administrators

34. The District shall ensure that instructional staff are adequately trained to provide quality language services to ELLs by implementing a new ELL training model for District administrators and instructional staff, as set forth in Attachment A. The District shall provide ELL training to classroom aides and other instructional support staff, where appropriate.
35. The District shall complete all instructional staff training as defined in Attachment A no later than the start of the 2011-12 school year. Until all instructional staff training is complete, the District shall ensure that at least one ESL/Bilingual/Linguistically Diverse endorsed teacher will be assigned to all District schools.
36. The District shall provide ELL training to new instructional staff and administrators within their first year of service. After receiving the initial training, all instructional staff shall receive refresher training as designed by the District at least one time per subsequent year.
37. The District shall ensure that all administrators who evaluate teachers of ESL, ELD, and SI in content classes are adequately trained regarding ESL/ELD instruction and sheltered techniques to perform a meaningful evaluation of program implementation. To that end, all administrators who evaluate teachers shall earn the Adams 12 Administrator Certification, as set forth in Attachment A. The LASS Department also shall provide to

such administrators a minimum of one hour of annual in-person, in-building follow-up.

38. The District shall provide training for teachers and administrators, as set forth in Attachment A, Section II.A-C.
39. The District shall track in writing the progress of its teachers toward appropriate District certification and completion of state licensure/endorsements at least once per year.

Recruitment and Hiring

40. The District shall actively recruit properly endorsed ESL staff, bilingual staff, staff trained in working with ELLs, and staff with fluency in one or more of the languages of the District's ELLs for relevant teaching and administrative positions, including positions as SPED teachers and aides.
41. To that end, the District's notices regarding vacancies shall express an interest in candidates with ESL, ELL, or bilingual credentials and language fluency in language other than English.
42. The District has determined that adequate staffing of the LASS Department is necessary to ensure successful implementation of the ELL Program. As set forth in Attachment A, the District has evaluated its current LASS Department staffing based on the administrative needs of the District's current ELL population and determined that additional staffing is necessary to meet its ELLs needs at the elementary and secondary levels. No later than the start of the 2010-11 school year, the District shall ensure that its LASS Department is adequately staffed to meet the requirements of this Agreement and the ELL Program, as set forth in Attachment A. To that end, the District shall create a new full-time position entitled "LASS Assistant Director," whose responsibilities shall

include assisting the LASS Director with the implementation of the ELL Program. The District also shall employ a total of: (a) 5 full-time LASS Specialists at the elementary level; (b) 2.5 LASS Specialists at the middle school level; and (c) 2.5 LASS Specialists at the high school level.

43. From the 2011-12 school year forward, the District shall evaluate annually whether changes in the size of the District's ELL population, the size of the District's faculty and staff, or changes in the training needs or support needs of the District's faculty and staff, warrant adjustments to the LASS Department Staff. If the District determines that staffing adjustments are warranted based on one or more of these factors, the District shall provide the United States notice of the proposed adjustment and the basis for the adjustment. The United States shall have sixty (60) days to raise concerns or objections to the proposed change. If the United States does not object within sixty (60) days, the District shall have discretion to make the proposed adjustment to the LASS Department Staff.

Translation and Interpreter Services

44. The District shall provide translation and interpretation services pursuant to the District's ELL Program, as set forth in Attachment A, Section IV.G., and shall notify parents that such services are provided without charge.
45. The District shall ask all parents/guardians in writing (in English and Spanish) whether the parents/guardians require written translations or oral interpretation of District-level and school-level communications, and if so, to specify the language(s) needed. For parents/guardians speaking low incidence languages, the District shall ask this question

at least orally in a language the parents/guardians understand. The District shall enter the languages needed in its student information system so that they are readily accessible to administrators and teachers. The District shall require school administrators to consult the student information system before scheduling meetings with parents of ELLs.

46. The District shall use the information required by ¶ 45 above to staff or contract with a sufficient number of interpreters and translators to ensure that:
- a. when documents containing essential information are distributed at the District or school level, such documents shall be translated or interpreted into Spanish;²
 - b. for ELL parents or guardians who speak a foreign language other than Spanish, the District shall either translate District-level or school-level written communications containing essential information or provide an oral interpretation of them within a reasonable time-frame upon request by the parent or guardian of a student; and
 - c. oral interpretation is provided for any conference between a District teacher/administrator and a non-English speaking parent/guardian, so long as the parent/guardian's request provides the District with reasonable notice.
47. Prior to conducting an Individualized Education Plan ("IEP") meeting, the District shall

² Documents containing "essential information" include, but are not limited to: (a) documents regarding special education issues arising under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act (*e.g.*, IEP meetings); (b) report cards and other academic progress reports; (c) documents provided to parents/guardians during the disciplinary process; (d) requests for parent permission for student participation in District/school sponsored programs and activities; (e) announcements distributed to students that contain information about school and District activities for which notice is needed to participate in such activities (*e.g.*, testing, school performances, co-curriculars, activities requiring an application); and (f) any other written information describing the rights and responsibilities of parents or students and the benefits and

again notify parents of the availability of interpreters for IEP meetings and shall provide this service upon request with reasonable notice. The District also shall notify parents that, upon request with reasonable notice, the District shall provide for a written translation of the portions of SPED ELLs' IEPs designated by the parents and related forms and materials into the parents' native language. The request for translation may be made before, at, or after the IEP meeting and the translated portions shall be provided within a reasonable time, but no more than 14 days after the IEP meeting.

48. For all SPED-related translating and interpreting, the Division shall provide a translator or interpreter who is qualified in the language and, whenever practicable, also trained to provide SPED-related translating and interpreting.
49. The District shall make available to all personnel a list of the District-level and school-level general use documents that have been translated, with electronic access to such documents. The District shall update the list throughout the year by adding recently created district-level and school-specific notices that may be of use to other schools to meet their translation needs.
50. Except in the event of an emergency, no student shall be used or relied upon to provide translation or interpretation services for another student, parent, or guardian.

Resource Allocation

51. The District shall provide adequate and appropriate instructional materials for ELLs. These materials shall include ESL and ELD materials for ESL and ELD classes that are appropriate for the proficiency levels of the enrolled ELLs. For classes where SI is

services available to parents and students.

utilized, the District shall ensure that instructional strategies and core materials address the language needs of ELLs.

52. To this end, the District shall begin a one-time review of its instructional materials no later than the start of the 2010-11 school year and shall ensure compliance with ¶ 51 no later than February 1, 2011. The District shall submit a copy of its review to the United States no later than February 15, 2011.

Special Education (“SPED”)

53. The District shall provide SPED services and ESL/ELD services to all students who are eligible for both using the classroom structures and strategies designed to provide the student a free appropriate public education in the least restrictive environment by appropriately qualified personnel in a manner that addresses the identified language needs of the student.
54. The District shall conduct SPED assessments in the student’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
55. Consistent with applicable federal law and regulations, all IEPs of ELLs shall consider the language needs of the ELL as such needs relate to the student’s IEP.
56. An ELL’s IEP also shall include: (a) the student’s current CELA results; (b) the languages in which SPED assessments were conducted; (c) modifications, if any, of standard assessment procedures; (d) the qualifications of the individuals completing the SPED assessments; and (e) a determination by the IEP team that the ELL’s level of

English proficiency is not determinative of the decision to administer SPED services.

Monitoring Current and Exited ELLs and Evaluating Language Services

57. During the course of the 2009-10 school year, the District will develop formal criteria for exiting FEPs from monitoring services, redesignating LEP to FEP-M1, and reclassifying FEPs as ELLs (*i.e.*, reentry into the ELL Program), when appropriate, as set forth in Attachment A, Section VI.D. The District shall submit these proposed criteria for the United States' review before or with the submission of the District's September 1, 2010 Annual Report. The United States shall have sixty (60) days to notify the District of any objections. If the United States objects to the proposed criteria, the District and the United States shall work together in good faith to reach a resolution that ensures compliance with the EEOA.
58. To monitor appropriate implementation of its ELL Program from the first step of registering an ELL to the final step of evaluating whether the ELL Program is overcoming ELLs' language barriers within a reasonable period of time, the District shall establish clear guidelines for each part of its ELL Program ("ELL Program guidelines" or "guidelines"). The guidelines shall be consistent with the terms of this Agreement and the ELL Program, as set forth in Attachment A. The District shall submit proposed guidelines to the United States for review before or with the submission of the District's September 1, 2010 Annual Report (*see* ¶¶ 64-65). The final guidelines shall be adopted by the Superintendent as official District policy before the end of the 2010-11 school year. The District shall make the final guidelines publically available in electronic and paper form.

59. The District shall monitor its ELL Program at the building-level and District-level and evaluated the Program's effectiveness, as set forth in Attachment A, Section VI.
60. The District shall continue to monitor the individual academic performance of current ELLs and recently redesignated FEPs (*i.e.*, exited within the past two years) using ELD Profiles.
61. All NEPs and LEPs shall be identified by their CELA proficiency level on all electronic class rosters (*i.e.*, level one through four). Recently exited students shall be designated as FEP M-1 or FEP M-2 on all class rosters for the two years following their exit from ELL services.
62. To evaluate whether the District's language services are overcoming language barriers, the District shall monitor NEPs, LEPs, and FEPs as they progress through and exit from the District's ELL Program. NEPs, LEPs, and FEPs shall be monitored pursuant to the terms set forth in Attachment A, Section VI.C (NEPs and LEPs) and VI.D (FEPs). The District shall take appropriate action if FEPs are not making progress without language acquisition services. FEP M-1 and FEP M-2 ELLs shall be reclassified as LEP and reentered into the ELL program where appropriate, as set forth in Attachment A, Section VI.D.
63. The District shall disaggregate the following information by school, ELL program (*i.e.*, ESL/SI and ELD/SI), non-ELLs, ELLs, and former ELLs: (a) English proficiency assessments (*e.g.*, CELA, CELApro, ACCESS); (b) standardized test scores; (c) class grades; (d) retention-in-grade rates; (e) graduation rates; and (f) enrollment in honors, Advanced Placement, gifted, and SPED.

ANNUAL REPORTING TO THE UNITED STATES

64. The District shall provide to the United States annual reports fully detailing its efforts to implement the ELL Plan. The District shall submit its first annual report by September 1, 2010, with reports thereafter due yearly on July 1. If any of the information required for the annual report in a particular school year is available in a document that the District already has prepared to comply with the No Child Left Behind Act (20 U.S.C. § 6301, *et seq.*) or other federal law, state law, or regulation, the District may include the document in its annual report and indicate the section of the annual report to which the document applies.
65. The annual reports shall include the following information about the school year preceding each annual report, in a format developed by the District, unless otherwise specified:
- a. A list of District schools, by Program Model, and for those schools implementing a hybrid model, the Program Model by grade;
 - b. A summary of the District's reports done three times per year, including for each school, by grade and language, the total number of NEPs and LEPs; the number of ELLs receiving services consistent with this Agreement and the ELL Program, as set forth in Attachment A; the number of ELLs who did not receive the agreed upon amount of language services; the number of ELLs who did not receive any ESL/ELD services and how the District responded to this information; and the number of ELLs who opted out of language services;
 - c. The number of students by school, grade, native language, and language service

who were exited from the District's ELL program since the last report based upon: (i) meeting exit criteria or (ii) other reasons. If students were exited for other reasons, please explain;

- d. The number of FEP students by school, grade, native language, and language service who were reentered into the District's ELL program since the last report;
- e. The number of ELLs by school, grade, and native language who: (i) were referred for SPED services; (ii) were found eligible for such services; and (iii) received such services. If any students were found eligible but did not receive SPED services, please explain (*e.g.*, the parent declined services);
- f. For each District school where SPED-ELLs received ESL services through a consultation model, copies of examples of completed SPED consultation forms;
- g. The number of SPED ELLs, by school, grade, and native language, that the District, through highly qualified ESL/ELD and special education teachers, has determined are no longer in need of language services; include for each such student the reason(s) and all supporting evidence for the District's determination (*e.g.*, a SPED student has achieved English proficiency);
- h. The number of ELLs by school, grade, and native language who: (i) were referred for gifted testing; (ii) were found eligible for gifted programming; and (iii) received such services. If any ELLs were found eligible but did not receive gifted services, please explain (*e.g.*, the parent declined services);
- i. A list of ESL Coordinators, by school, name, and position;
- j. A list of new instructional staff and administrators hired by the District, including

for each new hire their name, school, position, language(s) they speak, certification(s) and endorsements, years of experience, and whether they have attended mandatory District ELL training (and if so, which training);

- k. A list of all ESL and ELD instructional staff, including for each staff member their name, school, position, language(s) they speak, ELL-related certification(s) and endorsements, and years of experience, highlighting any changes (including new certifications) since the last report;
- l. A list of all instructional staff who have not completed the Advanced SI training;
- m. A list of all ELL-related training provided to District personnel, the date(s) of the training, and the number and type of District personnel who attended the training;
- n. For each school, the number of SPED teachers and aides with ESL/ELD or bilingual training, certification(s), or endorsements, noting the type of training, certification(s), or endorsements, and the language(s) other than English that the teacher or aide speaks fluently;
- o. A description of the District's system for monitoring FEP students over a two-year period, specifying the data that are reviewed and any changes to the system;
- p. A copy of the ELD Profile and FEP monitoring forms for each FEP student who was exited since the last report. The District shall resubmit materials for students who were reclassified for ELL services or identified for SPED services;
- q. A description of any changes that the District plans to make to its procedures for:
 - i. structure and implementation of ELL program models;
 - ii. assessing ELLs and assigning ELLs to classes;

- iii. providing translator and interpreter services to ELL parents or guardians;
 - iv. ESL, ELD, or SI language services;
 - v. ELL-related training of administrators and instructional staff;
 - vi. system for monitoring current ELLs and FEP students over a two-year period; and
 - vii. ELL Program guidelines.
- r. Beginning with the July 2011 report, a list of native language materials, ESL/ELD materials, and supplementary SI materials for its ELLs by school, including curricular and library materials purchased by the District during the preceding year;
 - s. Copies of examples of translated school notices, including co-curricular activities and notice of the availability of translator and interpreter services for IEP-related information;
 - t. Copies of all complaints received by the District or school personnel from parents, instructional staff, and administrators regarding the provision of ELL services and documentation of the District's response;
 - u. Certification of building administrator and LASS Department classroom observations;
 - v. Copies of official Superintendent policies demonstrating the District's formal adoption of the ELL Program guidelines; and
 - w. Any other information that the District believes will be helpful to evaluating whether the ELL Program is providing meaningful language acquisition services.

- x. In addition to the above reporting requirements: (i) in the September 1, 2010 report, the District shall include a copy of the District's ELL Program proposed guidelines, if not previously provided to the United States; and (ii) in the District's July 1, 2012 and July 1, 2014 reports, the District shall include a copy of the District's longitudinal cohort analysis.

ENFORCEMENT

- 66. The District shall maintain records of all information pertinent to compliance with the terms of this Settlement Agreement until September 1, 2014, and shall provide such information to the United States upon request.
- 67. The District understands and acknowledges that the United States, consistent with its responsibility to enforce the EEOA, retains the right to investigate and, where appropriate, initiate judicial proceedings concerning any future alleged violations of the EEOA by the District.
- 68. The United States shall have the right for its representatives and any consultant or expert retained by the United States, to conduct an on-site review of the District's schools to evaluate compliance with the terms of this Settlement Agreement upon giving reasonable notice to the District. The District shall have the right to determine the dates of the review to ensure minimal disruption to the education process in the schools.
- 69. Following an on-site review, the United States shall notify the District of (a) its concerns resulting from the review and (b) all known instances of breach of this Agreement. Instances of breach shall be subject to ¶ 70.
- 70. The District understands and acknowledges that, in the event of a breach by the District

of this Settlement Agreement, the United States may initiate judicial proceedings to enforce the EEOA and the specific commitments and obligations of the District under this Settlement Agreement. The United States may not initiate judicial proceedings against the District without providing the District with written notice detailing the actions or omissions of the District constituting the alleged breach and providing the District with a reasonable time, no more than sixty (60) days, to initiate a cure for the alleged breach to the mutual satisfaction of the parties.

71. The following signatures indicate the consent of the parties to the terms of this Settlement Agreement. The date that counsel for the United States signs the Settlement Agreement shall be considered the entry date of this Settlement Agreement.

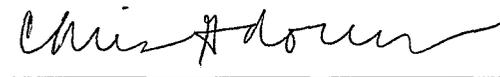
For the United States:

THOMAS E. PEREZ
Assistant Attorney General



FRANZ R. MARSHALL
EMILY H. MCCARTHY
WHITNEY M. PELLEGRINO
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section
950 Pennsylvania Ave, PHB Suite 4300
Washington, DC 20530
Phone: (202) 616-9939
Fax: (202) 514-8337

For the Adams 12 Five Star Schools:



CHRIS GDOWSKI
Superintendent
Adams 12 Five Star Schools
1500 E. 128th Avenue
Thornton, CO 80241-2602
Phone: (720) 972-4001
Fax: (720) 972-4008

Dated: Apr. 28, 2010

Attachment A



Proposed ELL Plan

Glossary

ELD: English Language Development; Language support services provided by a trained classroom teacher in a whole-group setting, oftentimes co-taught with an ESL teacher.

ELD Profile: “ELD Profile” refers to the District’s repository for gathering and recording information on individual ELLs and monitored FEPs. ELD Profiles track the progress of ELLs and monitored FEPs from year to year as measured by students’ progress against the Colorado ELD standards. ELD Profiles include the following categories of information: type of language support services, number of minutes served, successful instructional strategies, assessment accommodations, academic interventions, service providers, level of performance in the four language domains, progress in the four language domains, redesignation and monitoring information and decisions, educational history, and English language proficiency assessment data.

ELL: English Language Learner; a student whose first language is other than English and who is learning English as a second language.

ESL: English as a Second Language; Language support services provided by an ESL/Bilingual/Linguistically Diverse-endorsed teacher in a small-group setting.

FEP: Fluent English Proficient; a student who was formerly ELL but who has acquired fluent English proficiency in listening, speaking, reading, and writing.

LEP: Limited English Proficient; an English Language Learner whose overall English proficiency in listening, speaking, reading, and writing is at the Intermediate or Advanced stages; students at this level are able to understand and be understood in many to most social communication situations, are gaining increasing competence in the more cognitively demanding requirements of content areas, but are not yet ready to fully participate in academic content areas without linguistic support.

NEP: Non-English Proficient; an English Language Learner whose overall English proficiency in listening, speaking, reading, and writing is at the Beginning or Early Intermediate stages; this level includes students who are just beginning to understand and respond to simple routine communication through those who can respond with more ease to a variety of social communication tasks.

Reclassification: Changing an ELL’s language proficiency category, except when changing it from LEP to FEP-M1.

Redesignation: Changing an ELL's language proficiency category from LEP to FEP-M1.

SI: Sheltered Instruction; An approach to teaching that makes grade-level content comprehensible for English Language Learners while they are developing English proficiency. SI classrooms, which may include a mix of native English speakers and English Language Learners, integrate language and content with socio-cultural awareness. Teachers scaffold instruction to aid student comprehension of content topics and objectives by adjusting their speech and instructional tasks and by providing appropriate background information and experience.

ELL Program

I. Objective

Consistent with its on-going commitment to provide language services to all ELLs, the District will formally adopt and implement the following ELL Program, which ensures that all District ELLs (NEP and LEP) receive appropriate language acquisition services (*i.e.*, ESL or ELD) and sheltered content instruction on a daily basis. The District will provide language acquisition services to ELLs through one of three program models and will train its instructional staff through an intensive training program designed to ensure that all ELLs receive meaningful language acquisition services. Full implementation of this plan will begin with the 2011-12 school year.

II. ELL Training Program

A. Administrators

Prior to the start of the 2010-11 school year, the District will provide Learning Services and other education-related Central administrators (*e.g.*, Senior Staff, Content Coordinators & Specialists, Executive Directors, Student Support Services Assistant Directors, etc.), ELL Administrator Designees, and all building administrators (*e.g.*, Principals, Assistant Principals, Deans, etc.) with a mandatory 15-hour foundational ELL training designed specifically to meet the needs of administrators, as well as 5 hours of in-building application follow-up (*e.g.*, classroom observations, walk-throughs, etc.) conducted by the District's Language Acquisition Support Services Department ("LASS Department"). This training and follow-up is designed to prepare administrators to support teachers and monitor the implementation of appropriate sheltering and language development strategies. The LASS Department will provide District-designed administrator follow-up training as

needed to address changes in the District's ELL Program, services provided (e.g., translation, SPED), method of instruction (e.g., Program Models), etc.

B. Teachers¹

Prior to the start of the 2011-12 school year, the District will provide instructional staff with mandatory ELL foundational training, as described below:

(1) Adams 12 Secondary SI Certification consisting of two courses (total 45 hours)

- *Sheltered Instruction: Introduction* - 1 credit (15 hours training)
- *Sheltered Instruction: Advanced* - 2 credits (25 hours training plus 5 hours in-building application follow-up)
- Annual follow-up conducted by LASS Department
- Annual refresher

This training will be required of all secondary school teachers in the District regardless of their teaching assignment.

(2) Adams 12 Elementary SI Certification consisting of two courses (total 45 hours)

- *Sheltered Instruction: Introduction* - 1 credit (15 hours training)
- *Sheltered Instruction: Advanced* - 2 credits (25 hours training plus 5 hours in-building application follow-up)
- Annual follow-up conducted by LASS Department
- Annual refresher

This training will be required of all elementary school teachers in the District regardless of their teaching assignment, except those teachers required to obtain ELD Certification.

(3) Adams 12 Elementary ELD Certification consisting of three courses (total 75 hours)

- *Sheltered Instruction: Introduction* - 1 credit (15 hours training)
- *Sheltered Instruction: Advanced* - 2 credits (25 hours training plus 5 hours in-building application follow-up)
- *English Language Development* - 2 credits (25 hours training plus 5 hours in-building application follow-up)
- Annual follow-up conducted by LASS staff
- Annual refresher

This training will be required for those teachers who provide ELD instruction to NEPs and LEPs in Program Model 1.

¹ All language acquisition services will be provided by certified staff. Paraprofessional service has been eliminated.

(4) Adams 12 Co-Teachers

Teachers who participate in co-teaching will be provided a minimum of six hours of training related to co-teaching in addition to obtaining the mandatory certification in either SI or ELD as described above.

(5) Adams 12 Specialists

In order to better meet the unique language and academic needs of ELLs in interventions, Special Education providers will be required to obtain the District SI Certification as described above. In addition, they will be provided additional opportunities for training tailored to their specific area of practice.

(6) Adams 12 Early Childhood Educators

In order to better meet the language and academic needs of ELL preschoolers, the District preschool staff will be required to complete 15 hours of training specific to early childhood education of ELLs as well as 5 hours of follow-up.

(7) Adams 12 GT Educators

Building GT Coordinators and AP, IB, and Honors teachers will be required to obtain the District SI Certification as described above. In addition they will complete training on underrepresented GT populations, including ELLs.

C. Additional Training

(1) Translation/Interpretation

- (a) Prior to the start of the 2010-11 school year, and within 30 days of the start date of any administrator or teacher, the District will train all administrators and teachers on the essential information that should be translated, the communications that should be interpreted, and how to access and request the District's interpretation and translation services.
- (b) The District will train its building-level and District-level administrators, faculty, and staff that except in the event of an emergency, no student shall be used or relied upon to provide translation or interpretation services for another student, parent, or guardian.

(2) ELL Student Information

- (a) The District will train all teachers on how to use ELD Profiles and provide refresher training as necessary to ensure the ELD Profiles are serving as a meaningful tool for monitoring ELLs.
- (b) The District will ensure that teachers and staff are properly trained to use Infinite Campus (or another comparable program adopted by the District) to access information related to an ELL's classification and whether a SPED designation exists for that student.

III. ELL Service Models

A. Program Model 1

Program Model 1 is a model in which ELD services are provided by classroom and ESL teachers during the Literacy Block portion of the day. The decision to implement Program Model 1 will be based on criteria including: (1) whether there are sufficient numbers of ELLs to sustain separate literacy block classrooms; (2) the numbers of classroom teachers with ESL endorsements; and (3) the academic and language achievement data of ELLs. The following services will be provided in Program Model 1:

- Students who are NEPs and LEPs will be placed in ELD classrooms for the Literacy Block portion of the school day
- This will increase the number of staff who can serve the specific language needs of the ELLs in those schools
- Specific classrooms at each grade level will be designated as ELD classrooms, with students grouped in ELD Level 1 and 2 classrooms according to their language proficiency levels, whenever practicable
- If the number of ELLs at a grade level is not sufficient to fill the ELD classrooms, schools may group students from two grade levels in the same ELD classroom
- In such ELD classrooms with more than one grade level, schools will provide ELD services at appropriate grade and language levels, and will group such ELLs by comparable proficiency level, whenever practicable
- To the extent the District provides multi-grade ELD classes, it will ensure that ELLs in such classes receive the complete grade appropriate curriculum and will evaluate such ELLs' acquisition of the grade appropriate curriculum at least twice during the school year to ensure

that ELLs in multi-grade ELD classes receive an equal opportunity to learn their grade's curriculum

(1) Co-Teaching Model and Training:

ESL teachers will co-teach with the teachers in these classrooms during ELD instruction. If the classroom teacher providing instruction for the ELD classrooms is a highly qualified teacher with a Colorado ESL/Bilingual/Linguistically Diverse endorsement, an ESL co-teacher will not be required.

Teachers in these buildings who are currently in the position of "ESL Teacher" will transition from the role of working with students in pull-out groups to a co-teaching role in order to support the classroom teachers who will be providing daily ELD instruction. These ESL Teachers, along with ELD classroom teachers, will be provided training in co-teaching so that they can be successful in this new role.

Teachers of ELD classrooms who are responsible for co-teaching ELD instruction will be required to obtain the Adams 12 ELD Certification. Classroom teachers who are responsible for teaching content to ELLs but who do not teach ELD (due to ELLs moving to another classroom for that portion of the day) will be required to obtain the Adams 12 Elementary SI Certification.

(2) ELD Services:

In the ELD classrooms, ELLs will receive a minimum of 45 minutes daily of ELD using the Rigby *On Our Way to English* materials.

ELLs also will receive the same number of minutes each day of literacy instruction as native English speakers, except that lower performing ELLs (*i.e.*, NEPs) will receive additional services, as needed. The District will not discriminate in the amount or quality of academic offerings for ELLs as compared to their non-ELL peers.

In half-day Kindergarten classes, ELLs will receive a minimum of 25 minutes of daily ELD instruction. ELLs also will receive SI throughout the remainder of the day.

It is important to note that the placement in ELD classrooms is a temporary one until students have acquired sufficient English language to be successful in the next level classroom. Movement between the levels will be fluid and determined by a body of evidence including language proficiency assessments, literacy assessments, and daily classroom performance. Decisions will be made when practicable at the

end of each grading period, but no less frequently than at the end of every school year as to which literacy classroom students will be placed in for the following year.

(3) SI Services:

During the remainder of the day, including in other content areas, ELLs in Program Model 1 schools will be mixed with native English speakers in order to benefit from the language modeling provided by these students. These classroom teachers will shelter instruction so that ELLs can access the content and achieve the same high academic standards expected of all students at that grade level. ELD literacy block teachers will collaborate closely with sheltered content teachers in order to provide cross-content connections throughout the day for students.

(4) Integration with Native English Speakers:

ELLs also will be given additional opportunities for access to native English-speaking role models at specific times during the day such as Specials classes, lunch, recess, co-curricular and extra-curricular activities, etc.; however, District and school officials will not prohibit an ELL's use of his or her native language.

B. Program Model 2

(1) Pull-Out ESL Teaching Model and Training:

Program Model 2 is a pull-out ESL model with staffing and resources adequate to provide daily 45 minutes of ESL services to every ELL. The decision to implement Program Model 2 will be based on criteria including: (1) whether there are insufficient numbers of ELLs to sustain separate literacy block classrooms; (2) the numbers of classroom teachers with ESL endorsements; and (3) the academic and language achievement data of ELLs. ELLs will be grouped for ESL instruction by language level, whenever practicable. The following services will be provided in Program Model 2:

- Highly qualified ESL teachers with a Colorado endorsement in ESL/Bilingual Education/Linguistically Diverse Education will provide ESL instruction in small-group settings to ELLs
- ESL teachers will use standardized materials and curricula to provide instruction, which will be the *On Our Way to English* materials
- The student/teacher ratio for ELLs to ESL teachers in a building will be approximately 50:1, which will allow a ratio of approximately 8:1 for small group ESL instruction

- Building administrators will ensure that ESL teachers are provided with sufficient space in which to work with small groups of ELLs on a daily basis
- ELLs will be clustered at each grade level so that designated teachers can focus on providing sheltered instructional support, but clusters in each classroom will not exceed 15 ELLs, wherever practicable
- Classroom teachers who provide SI, but not ESL instruction, will be required to obtain the Adams 12 Elementary SI Certification

(2) ESL Services:

ELLs in Program Model 2 will receive a minimum of 45 minutes daily of ESL using the Rigby *On Our Way to English* materials.

ELLs also will receive the same number of minutes each day of literacy instruction as native English speakers, except that lower performing ELLs (*i.e.*, NEPs) will receive additional services, as needed. The District will not discriminate in the amount or quality of academic offerings for ELLs as compared to their non-ELL peers.

ELLs in half-day kindergarten classes will receive a daily minimum of 25 minutes of daily ESL instruction provided by an ESL teacher and literacy instruction provided by their classroom teacher.

(3) SI Services:

In addition to ESL services, ELLs in Program Model 2 will receive daily SI in the content classes of math, science, and social studies and ELLs in half-day kindergarten classes will receive SI throughout the day. Teachers will use the same District standards and curriculum for content as are used with native English speakers, but will use appropriate sheltering strategies in their instruction and assessment.

At the elementary level, schools may implement a hybrid of Program Model 1 and Program Model 2 in order to best meet the needs of their students, however in all schools, students in the same grade level will be enrolled in the same Program Model.

C. Program Model 3

(1) ESL Teaching Model and Training:

The District will provide services to all secondary ELLs through daily ESL and daily SI in the content areas of math, science, and social studies. The following services will be provided in Program Model 3 schools:

- The student/teacher ratio for ELLs to ESL teachers in a building will be 75:1, which will allow a ratio of approximately 15:1 for each ESL class
- One staff person at each secondary school will serve as the “ESL Coordinator,” who will be responsible for coordinating: administration of assessments, monitoring of student progress, collaboration with other school departments, assistance with scheduling, etc.
- Highly qualified ESL teachers with a Colorado endorsement in ESL/Bilingual Education/Linguistically Diverse Education will teach ESL classes
- ESL teachers will follow a District-wide standardized curriculum appropriate for ELLs that aligns with the standardized materials that the District has already provided to ESL teachers
- In order to ensure every ELL is scheduled into ESL courses, prior to the 2011-12 school year, the District will design and implement new courses that best meet the wide range of language needs at the middle and high school level

(2) ESL Services:

ELLs in Program Model 3 schools will receive a minimum of forty-five minutes (or one class period) of daily ESL instruction by a certified ESL teacher.

(3) SI Services:

ELLs in Program Model 3 schools will receive daily SI in the content classes of math, science, and social studies. The content taught in these courses will cover the same standards and curriculum used for native English speakers, but teachers will use specific SI and assessments in order to make the content accessible to ELLs. These classes will be taught by teachers who are highly qualified in the content area of the course, and the classes may be a heterogeneous group of ELLs and native English speakers. Teachers of these courses will be required to obtain the Adams 12 Secondary SI Certification.

D. Charter Schools

The District is responsible for ensuring that all District schools, including charter schools, take appropriate action to overcome language barriers that impede equal participation by all students in instructional programs. To that end, the District LASS Department will work collaboratively with the District Charter School Liaison to monitor the identification of, services for, and assessment of ELLs enrolled at District charter schools. Although charter schools may implement different programs for the provision of language acquisition services, the District will monitor whether charter schools are in compliance with applicable laws and regulations and will include data from charter school students in its annual report. The District also will monitor whether or not District charter schools are effectively making their educational alternatives as available to non-English speaking families as they are to English-speaking families in the District. To the extent a charter school fails to meet their legal obligation to provide meaningful and appropriate language acquisition services, the District will take steps to remedy the charter school's ELL program deficiencies.

IV. Improvements to Related Services and Departments

A. General Hiring

The District will actively recruit bilingual staff and/or staff trained in working with ELLs for relevant teaching and administrative positions. When posting relevant vacancies, the District will express an interest in candidates with bilingual or ESL credentials and foreign language fluency.

New administrators and teachers hired by the District after the commencement of the 2010-11 school year will be required to complete the appropriate ELL training within 12 months of employment.

B. Interventions

Once the new ELL Program Models are in place, all ELLs will receive ESL/ELD as part of their "first best" instruction. The District will clearly instruct all District schools that ELLs should and will be eligible for all available interventions, just like native English speakers. If ELLs are not making sufficient progress with high quality SI in the classroom paired with ESL/ELD, schools should determine the next best steps to meet the students' needs. Interventions will be added to a student's schedule, but not in lieu of ESL instruction.

C. Special Education

If it is determined that ELLs are not making sufficient progress with interventions and the decision is made to refer them for a Special Education assessment, the District will administer assessments in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so. If an ELL speaks a language other than Spanish, Student Support Services will contract with outside agencies in order to administer assessments in other languages. The personnel conducting or interpreting assessment results will include highly qualified ESL and Special Education teachers.

If an ELL is enrolled in Special Education services, the District will notify parents of the availability of interpreters for Special Education meetings where parents are present, upon request with reasonable notice. The District will require that parents sign a form at the end of the staffing indicating whether or not they would like a written copy of any portion of their child's Individualized Education Plan (IEP) in a language other than English. An interpreter will read the contents of the form to parents, if necessary. When parents indicate that they would like such a copy, the District will translate the portions requested by the parents, including the entire IEP if requested, into the parents' native language, within 14 days after the IEP meeting.

The District will provide Special Education services to ELLs identified with a disability in addition to ESL services. As a last resort, Special Education providers and ESL teachers may use a consultation model in order to provide ESL services. In such a case, ESL and Special Education teachers will be required to conduct regular and ongoing consultation. Under this model, ongoing consultation means a minimum of biweekly consultations. ESL and Special Education teachers using the consultation model will use a District consultation form at the close of each grading period to document (a) the educational basis for the decision to use the consultation model and (b) the frequency and substance of their consultations.

The LASS Department, in collaboration with Student Support Services, will monitor that the above requirements are met.

D. Gifted and Talented Services (GT)

The LASS Department will collaborate with the GT Department to develop programming for better identifying GT students who are from language backgrounds other than English. To that end, beginning with the 2010-11 school year the District will develop programming to best meet the needs of ELLs in GT services. The District will:

- Develop a written plan of action for improving GT services (“GT Action Plan”) for ELLs that will be reviewed annually and modified, as necessary. This plan will be shared with school administrators and building-level GT educators
- Implement a formal process to ensure that schools are appropriately referring, identifying, and placing ELLs into GT services and advanced academic services
- Monitor referrals, identification, and placement decisions and recommend improvements and modifications, as necessary
- Evaluate GT programming for ELLs and the GT Action Plan to determine if ELL access to GT services is improving and meeting the needs of GT ELLs

E. Preschool

To continue to meet the language needs of all preschool students, the District’s preschool staff will obtain the Adams 12 Early Childhood Educators certification. The Preschool Program’s student data over the past three years demonstrates its ability to significantly and positively impact ELLs and better prepare them for K-12 success. The District intends to explore further expansion of the program so as to prepare more at-risk students, including more ELLs, for success in their K-12 careers.

F. LASS Department

The District has designated the LASS Department as responsible for coordinating building and District-level collaboration, overseeing the implementation of the Plan, and developing and conducting training, in-building follow-up, and monitoring. In order to successfully implement the ELL Plan, the District has determined that its LASS Department staffing must be increased. The District will complete hiring for its LASS Department staff prior to the start of the 2010-11 school year.

The District has determined that the following additions to the LASS Department staff are necessary:

- (1) In addition to the current Director, the District will employ one full-time LASS Assistant Director, who will assist the LASS Director with monitoring of Program effectiveness; building-level implementation of ELL Models; follow-up to instructional staff and administrator training; supporting building-level administrators, ESL staff, and teachers using SI; and other Plan-related projects.

(2) In addition to the four LASS Specialists, the District will employ the following additional LASS Specialists whose responsibilities will include, among other things, leading instructional staff and administrator training and conducting follow-up:

- 3 additional Elementary Language Acquisition Specialists (for a total of 5 full-time LASS Specialists at the elementary level)
- 1.5 Additional Middle School Language Acquisition Specialists (for a total of 2.5 LASS Specialists at the middle school level)
- 1.5 Additional High School Language Acquisition Specialists (for a total of 2.5 LASS Specialists at the high school level)

G. Translation/Interpretation Services

The District will allocate a budget for translation and interpretation services to be coordinated at the District level under the LASS Department. Schools will contact the District Translation/Interpretation Services Department to request written translations and/or oral interpretations in both Spanish and other languages. The District will retain Spanish translators/interpreters and will address other languages on a case-by-case basis through outside agencies.

(1) The District will develop and maintain a website related to translation/interpretation services. The District will advise school officials of specific instructions and timeframes for translation/interpretation requests and will publicize such information on the translation/interpretation website. The website also will include:

- Policies and procedures for requesting translation/interpretation services
- Policies and procedures on documents and meetings eligible for District-sponsored translation/interpretation
- Information on translation/interpretation related to special education
- Forms for requesting translation/interpretation services
- Electronic versions of forms/documents that have been previously translated (*i.e.*, an electronic library)

(2) Translation/Interpretation Services will be restructured as follows:

(a) *Translation Services Coordinator* (full-time Administrative Technical)

- translates official District documents, forms, publications into Spanish
- coordinates and supervises District translators/interpreters, including translators/interpreters used for school enrollment
- organizes and contracts translators/interpreters in languages other than Spanish for school/District activities
- arranges translation/interpretation services for other District departments
- coordinates development of and maintains electronic library of translated school and District forms

(b) *Translator/Interpreters* (Classified)

- assist Translation Services Coordinator with translation of District documents, forms, publications into Spanish
- provide translation services in Spanish at District-level attendance and discipline hearings
- provide translation/interpretation services in Spanish for school-specific needs
- provide translation and interpretation in Spanish of Student Support Services-related communications, including IEPs and Special Education staffing
- provide copies of translated forms to Translation Services Coordinator for inclusion in electronic library

(3) The District Translation/Interpretation Services Department will translate/interpret information in the following areas as necessary for informed parental participation in their child's education:

- Academic Performance
- Attendance
- Conduct
- Health
- Safety
- Parental Rights and other district policies and procedures
- Suspension and expulsion letters and meetings

- Special Education
- Co-curricular Activities (*e.g.*, field trips, after-school and lunchtime clubs and activities, information related to outside agency-sponsored school-related student activities/outings)

H. All Other District Departments

The District will ensure that the unique needs of ELLs will be considered and addressed by all divisions of the Learning Services Department at the District level with regard to curriculum, instruction, assessment, special services, professional development, etc.

V. Materials

As the District and individual schools purchase instructional materials (*e.g.*, textbooks, supplementary materials, library materials, etc.), the District will require that District departments and schools direct a percentage of the budget that is in direct proportionality to the percentage of ELLs in the District or at the school, by language, toward appropriate instructional materials for ELLs. However, where the total ELL population of a school, by language, comprises less than 5% of the overall school population, the instructional materials budget will not be less than 5% of the overall budget.

Additionally, buildings will provide ESL teachers and departments a classroom/department budget equitable to the budgets that are provided to other teachers/departments in the building.

VI. Monitoring²

A. Building Level Program Effectiveness

Each building will assign one administrator (principal or assistant principal) to act in the role of ELL Administrator Designee. Designees will attend an annual beginning-of-the-year orientation to more clearly understand the responsibilities of this role. Additionally, Designees will meet with the LASS Department on a regular basis for the purpose of receiving updates, collaborating with colleagues, and obtaining further professional development related to their role of ELL Administrator Designee.

² The District will use ELD standards consistent with those adopted by the Colorado Department of Education.

Building administrators will be responsible for monitoring the implementation of sheltering and language development strategies in the classroom by doing frequent unannounced observations and walk-throughs. These observations will use a standard set of “look fors.”

B. District Level Program Effectiveness

The District will monitor program level effectiveness by evaluating ELL progress at each school in the District, as well as District-wide. The Colorado Department of Education determines Annual Measurable Achievement Objectives (“AMAOs”), which establish expected District-wide yearly gains in English language growth and attainment. Additionally, the Colorado Department of Education has released a new Colorado Growth Model, which measures the growth that students make on the CSAP across time.

To measure Program effectiveness, at a minimum the District will:

- Apply Colorado’s AMAOs at the building and District level
- Use the Colorado Growth Model, disaggregated by subgroups, to monitor the growth that Adams 12 ELLs are making in relation to ELLs across Colorado
- Monitor the academic performance and participation in the District’s educational programs of the District’s former ELLs in relation to native English speakers
- Conduct a longitudinal cohort analysis that evaluates the progress of District ELLs (*i.e.*, as they progress from NEP to FEP to former ELL) over time on the basis of English proficiency assessments (*e.g.*, CELA, CELApro, ACCESS), standardized test scores, class grades, retention-in-grade rates, graduation rates, and enrollment in honors, Advanced Placement, gifted, and SPED

C. Monitoring NEPs and LEPs

The District will continue to use ELD Profiles to monitor the progress of NEPs and LEPs. The ELD Profile has multiple purposes:

- Tracking the progress of ELLs from year to year as measured by students’ progress against the Colorado ELD standards
- At the elementary level, ELLs will be assessed using the multi-layered assessment tools provided with the new *On Our Way to English* materials that will be used for ESL and ELD instruction

- The middle and high school ESL programs will use the assessment tools that are included in their curricular materials to evaluate student progress

The District will continue to refine the ELD Profile to improve the Profile's effectiveness as an assessment and instructional aid.

D. Monitoring FEPs

FEPs are monitored through a formal two-year process (monitoring year one ("M-1") and monitoring year two ("M-2")) that evaluates FEPs' progress without language acquisition service. The District will evaluate its yearly FEP monitoring data to make preliminary assessments regarding program effectiveness and to identify FEP students who may qualify for LEP reclassification. The District also will evaluate whether students are being properly monitored, whether ELD Profiles are being used consistently and effectively, and whether LEP students are being properly identified for promotion to FEP status. The District will periodically evaluate the monitoring process to ensure full compliance before the start of the 2011-12 school year.

From the 2011-12 school year forward, the District will use the FEP monitoring process to:

- Conduct the above-described yearly assessment of FEP student progress
- Assess ELL Program effectiveness through data on FEP student reclassification, academic progress of students in FEP monitoring, and timely exiting of FEP students after two years of monitoring

During the course of the 2009-10 school year, the District will develop formal criteria for exiting FEPs from monitoring services, redesignating LEP to FEP-M1, and reclassifying FEPs as ELLs (*i.e.*, reentry into the ELL Program), when appropriate. The District's FEP monitoring system shall include a review of standardized test scores and a student's overall performance based on a body of evidence appropriate to the grade and age of the student to determine if the student needs additional support. In addition, the District will develop criteria for identifying those ELLs, regardless of proficiency level, who are not progressing academically due to well-documented reasons other than language (*e.g.*, severe needs special education students) and in such circumstances, consistent with the special education provisions above, LASS and Special Education staff, as well as the student's parents, will work collaboratively to develop an appropriate education plan.