

**The following item will be discussed at the meeting of the Standing Committee on Teaching, Learning and Student Supports to be held on Tuesday, May 1, 2018 at 5:00 p.m. in Room 410 at the Durkin Administration Building:**

gb #4-259 - Mr. O'Connell/Mr. Foley/Mr. Monfredo/Miss Biancheria (September 17, 2014)

To initiate a course in Mandarin Chinese at the Advanced Placement level, offered either in a customary classroom setting or through Virtual High School.

gb #6-264 - Mr. O'Connell/Mr. Foley/Mr. Monfredo/Ms. Colorio/Miss McCullough/Miss Biancheria (July 6, 2016)

To consider opportunities to enhance the education of the academically gifted students of the Worcester Public Schools, at all appropriate levels.

gb #6-270 - Mr. Monfredo/Mr. O'Connell/Ms. Colorio/Miss McCullough/Miss Biancheria (July 22, 2016)

Request that the Administration provide a report on the summer school programs to include:

- academic progress
- attendance
- community involvement
- engagement of colleges in summer activities
- number of ELL students
- number of grade 1 and 2 students

and suggest improvements for next year.

gb #6-334 - Miss McCullough/Mr. O'Connell/Mr. Monfredo/Miss Biancheria (September 26, 2016)

Request that the Administration consider the feasibility of establishing a citywide girl's ice hockey team.

gb #7-2 - Mr. O'Connell/Mr. Foley/Mr. Monfredo/Miss McCullough (December 16, 2016)

To review the 2016 Successor Settlement Agreement between the United States of America and the Worcester Public Schools, and to determine the financial costs of implementing it in full, for use in preparation of the fiscal year 2018 Budget.

gb #7-59 - Mr. O'Connell/Mr. Monfredo/Miss Colorio/Miss Biancheria/Miss McCullough (February 6, 2017)

To reestablish the PEAK ("Providing Enrichment for Able Kids") Program in the Worcester Public Schools.

Committee Members  
Brian A. O'Connell, Chairman  
John F. Monfredo, Vice-Chairman  
Molly O. McCullough

Administrative  
Representative  
Susan O'Neil, Ph.D.

OFFICE OF THE  
CLERK OF THE SCHOOL COMMITTEE  
WORCESTER PUBLIC SCHOOLS  
20 IRVING STREET  
WORCESTER, MA 01609

AGENDA #3

The Standing Committee on TEACHING, LEARNING AND STUDENT SUPPORTS  
will hold a meeting:

on: Tuesday, May 1, 2018  
at: 5:00 p.m.  
in: Room 410, Durkin Administration Building

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. ROLL CALL
- III. GENERAL BUSINESS

gb #2-139 - Mr. O'Connell/Mr. Monfredo/Ms. Colorio (April 11, 2012)

To consider development of a partnership with the Boston Debate League to support academic debate teams in high schools in Worcester.

gb #4-175 - Ms. Novick/Mr. Monfredo/Mr. Foley/Mr. O'Connell (May 28, 2014)

To consider the possible benefits and drawbacks of later secondary school start times on teaching and learning.

gb #4-259 - Mr. O'Connell/Mr. Foley/Mr. Monfredo/Miss Biancheria (September 17, 2014)

To initiate a course in Mandarin Chinese at the Advanced Placement level, offered either in a customary classroom setting or through Virtual High School.

gb #5-328 - Administration (November 24, 2015)

To consider the Coordinated Program Review (CPR).

ROS #6-3 - Administration (March 9, 2016)

THE OPIATE EPIDEMIC: IMPACT ON THE WORCESTER COMMUNITY

gb #6-28.1 - Administration/Ms. Colorio/Mr. O'Connell/Mr. Monfredo/  
Miss Biancheria (February 17, 2016)

Response of the Administration to the request to provide a list of assessments that were administered to kindergarten students for the 2015-16 academic year.

gb #6-37 - Mr. O'Connell/Mr. Monfredo/Ms. Colorio/Miss McCullough  
(January 11, 2016)

To address the incidents of violent and aggressive behavior on the part of students toward teachers, administrators and other staff members in school, including staff development training in responses to student aggression, and consideration of appropriate policies and practices to curtail such incidents.

gb #6-260.1 - Administration/Miss Biancheria/Mr. O'Connell/Ms. Colorio/  
Mr. Monfredo (November 1, 2016)

Response of the Administration to the request to provide a report indicating by individual school its designated level (I, II, III, IV or V) and outline ways in which these levels can be improved.

gb #6-264 - Mr. O'Connell/Mr. Foley/Mr. Monfredo/Ms. Colorio/Miss  
McCullough/Miss Biancheria (July 6, 2016)

To consider opportunities to enhance the education of the academically gifted students of the Worcester Public Schools, at all appropriate levels.

gb #6-270 - Mr. Monfredo/Mr. O'Connell/Ms. Colorio/Miss McCullough/Miss  
Biancheria (July 22, 2016)

Request that the Administration provide a report on the summer school programs to include:

- academic progress
- attendance
- community involvement
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- number of ELL students
- number of grade 1 and 2 students

and suggest improvements for next year.

gb #6-334 - Miss McCullough/Mr. O'Connell/Mr. Monfredo/Miss Biancheria (September 26, 2016)

Request that the Administration consider the feasibility of establishing a citywide girl's ice hockey team.

gb #7-2 - Mr. O'Connell/Mr. Foley/Mr. Monfredo/Miss McCullough (December 16, 2016)

To review the 2016 Successor Settlement Agreement between the United States of America and the Worcester Public Schools, and to determine the financial costs of implementing it in full, for use in preparation of the fiscal year 2018 Budget.

gb #7-4 - Mr. O'Connell/Mr. Foley/Ms. Colorio/Mr. Monfredo/Miss McCullough (December 16, 2016)

To urge the individual Worcester public schools, and departments, to review and expand their websites, as a means of (1) increasing the information available through them, (2) showcasing student work and achievements, (3) sharing detailed curricular and programmatic information, and (4) assisting prospective students and parents in making informed decisions as to selection of an appropriate school.

ROS #7-6 - Administration (March 20, 2017)

UPDATE ON THE AVID (ADVANCEMENT VIA INDIVIDUAL DETERMINATION) SYSTEM IN THE WORCESTER PUBLIC SCHOOLS

ROS #7-9 - Administration (May 10, 2017)

INNOVATION SCHOOL END OF CYCLE REPORT

gb #7-23 - Mr. O'Connell/Ms. Colorio/Mr. Monfredo/Miss McCullough/Miss Biancheria (January 3, 2017)

To consider making an online grading system available to all teachers for the 2017-18 academic and fiscal year.

gb #7-59 - Mr. O'Connell/Mr. Monfredo/Miss Colorio/Miss Biancheria/Miss McCullough (February 6, 2017)

To reestablish the PEAK ("Providing Enrichment for Able Kids") Program in the Worcester Public Schools.

gb #7-127 - Mr. O'Connell/Ms. Colorio/Mr. Monfredo/Miss Biancheria (March 21, 2017)

To consider establishing a literary magazine for the Worcester Public Schools, to publish the writings, paintings, drawings, and other creative work of WPS students, teachers and other staff members.

gb #7-201 - Mr. O'Connell (May 8, 2017)

To implement the new Chinese Language and Culture Advanced Placement course in the Worcester public secondary schools as soon as a sufficient number of students have completed all prerequisites required to enable them to take the course.

gb #7-207 - Mr. O'Connell/Miss Biancheria (May 17, 2017)

To discuss with appropriate members of the staff of Elm Park Community School the possible conversion of the school into an autonomous Horace Mann Charter School.

gb #7-275 - Mr. O'Connell/Mr. Monfredo/Miss Biancheria/Mr. Foley (July 25, 2017)

To consider participating in the Harvard University's Teacher Fellows Program, with placement of Fellows in the Worcester high schools.

gb #7-282 - Administration (August 2, 2017)

To approve the proposed 2018-19, 2019-20 and the 2020-21 School Calendars.

gb #7-285 - Miss McCullough/Mr. Monfredo/Miss Biancheria/Ms. Colorio/Mr. O'Connell (August 7, 2017)

To explore options and policies regarding work assigned and performed at home on snow days in an effort not to extend the school year.

gb #7-322 - Mr. Monfredo/Mr. O'Connell/Miss Biancheria/Ms. Colorio (September 25, 2017)

Request that the Administration consider developing a student program to instruct secondary students about food allergies and anaphylactic risks.

gb #7-333 - Ms. Colorio/Mr. Monfredo/Mr. O'Connell/Miss Biancheria (September 27, 2017)

Request that the Administration consider establishing a confidential student drug and alcohol hotline and indicate how it would be implemented in the schools.

gb #7-367 - Miss Biancheria/Miss McCullough/Ms. Colorio/Mr. O'Connell/Mr. Monfredo (October 24, 2017)

Request that the Administration provide a report on the UNITEY Program at North High School that involves civic engagement and internships for students.

gb #8-29 - Mr. Monfredo/Mr. O'Connell/Miss Biancheria/Mr. Comparetto/Miss McCullough (January 16, 2018)

To engage in a comprehensive plan in an effort to have children read on grade level by the end of grade three.

gb #8-42 - Miss Biancheria/Mr. Monfredo/Mr. O'Connell/Mr. Comparetto/Miss McCullough (January 23, 2018)

Request that the Administration study the feasibility of involving students in community service projects at the Senior Center.

gb #8-43 - Mayor Petty/Mr. Foley/Mr. Monfredo/Mr. O'Connell/Miss Biancheria/Mr. Comparetto/Miss McCullough (January 24, 2018)

Request that the Superintendent create an updated Health and Wellness Curriculum for middle and high school students.

gb #8-55 - Miss McCullough/Mr. O'Connell/Mr. Monfredo/Mr. Comparetto/Miss Biancheria (February 3, 2018)

Request that the Administration provide a progress report on the Hanover Academy at Burncoat Middle School.

gb #8-59 - Mr. Comparetto/Mr. O'Connell/Mr. Monfredo (February 7, 2018)

To consider a review of a publication entitled Teaching Hard History: American Slavery from the Southern Poverty Law Center.

gb #8-94 - Mr. Monfredo/Miss McCullough/Mr. O'Connell (March 2, 2018)

Request that the Administration consider expanding the Worcester: Future Teachers Program in conjunction with Worcester State University in an effort to recruit the best and brightest students.

gb #8-97 - Mr. Comparetto/Miss McCullough/Mr. Monfredo/Mr. O'Connell (March 7, 2018)

Request that the Administration provide a report on school libraries.

gb #8-107 - Mr. O'Connell/Miss Biancheria/Mr. Comparetto/Miss McCullough/Mr. Monfredo (March 16, 2018)

To request that the administration review the January 2018 Policy Statement of the Department of Elementary and Secondary Education "Alternative Structured Learning Day Programs" and that it recommend to the School Committee whether any such programs should be implemented in the Worcester Public Schools for 2019-20.

gb #8-139 - Mr. Comparetto/Mr. Foley/Miss McCullough/Mr. Monfredo/Mr. O'Connell (April 18, 2018)

Request that the Administration provide a report regarding all Early Childhood Programs in the Worcester Public Schools.

motion (gb #7-148.2) Mr. O'Connell (June 15, 2017)

Request that the report of the actual grants be referred to the Standing Committee on Teaching, Learning and Student Supports for a review of the grants and the programs operated under the grants.

motion (gb #7-220) Miss Biancheria (June 1, 2017)

Request that the approved Admission Policy for Worcester Technical High School be referred to the Standing Committee on Teaching, Learning and Student Supports.

motion (ros #7-14) Miss Biancheria, Ms. Colorio

Request that the Administration provide a breakdown of the backup by sections as follows:

- Elementary Education
- Secondary Education
- Curriculum and Professional Learning
- Instructional and Digital Learning

#### IV. ADJOURNMENT

Helen A. Friel, Ed.D.  
Clerk of the School Committee

STANDING COMMITTEE: **TEACHING, LEARNING AND STUDENT SUPPORTS**

DATE OF MEETING: Tuesday, May 1, 2018

ITEM: Mr. O'Connell/Mr. Foley/Mr. Monfredo/Miss Biancheria (September 17, 2014)

To initiate a course in Mandarin Chinese at the Advanced Placement level, offered either in a customary classroom setting or through Virtual High School.

PRIOR ACTION:

10-2-14 - Referred to the Standing Committee on Teaching, Learning and Student Supports.

5-19-15 - Mr. O'Connell made the following motions:

Request that the Administration interact with the College of the Holy Cross as to enrollment of Worcester public school students, on a dual enrollment basis, in appropriate Mandarin Chinese courses.

Request that the Administration consider the options for instruction of students in Mandarin Chinese through on-line programs including, but not limited to, the virtual high school, the Michigan on-line program and the Stanford University on-line high school.

On a voice vote, the motions were approved.

Mr. Monfredo and Mr. O'Connell made the following motion:

Request that students be surveyed, during the Fall of 2015, as to courses that they would like to have considered for inclusion on the Course Selection Sheet for 2016-17 including, but not limited to, instruction in World Languages.

On a voice vote, the motion was approved.

BACKUP:

At present, Mandarin Chinese is not offered as a high level AP course. However, the students can access courses through the Virtual High School Program. In addition, the Administration is studying the feasibility of establishing a Foreign exchange program with a village in China in conjunction with State Representative James O'Day. As part of the program, the visiting teacher from China will teach interested Worcester public school students at no charge.



PRIOR ACTION (continued)

- 2-1-16 - Dr. Meade-Montaque made a presentation indicating that 213 students are currently taking Mandarin courses. The Mandarin Part 1 and Part 2 are the middle school level courses and Mandarin I to IV are the high school level courses. She reported that Doherty Memorial High School has 21 students interested in continuing with Mandarin IV which will be offered next year. All eleven 11<sup>th</sup> grade students currently taking Mandarin IV are interested in continuing and the question would be whether to offer Mandarin V or AP Mandarin at Doherty Memorial High School. In the future, if there aren't enough students to offer AP Mandarin courses in one school, a districtwide course could possibly be offered to the students. Mr. O'Connell made the following motion:  
Request that the Administration submit a report in April in connection with interest in expanding World Language Programs at both the elementary and secondary levels. On a voice vote, the motion was approved.
- 8-16-16 - It was moved and voice voted to request that students be surveyed, during the Fall of 2016, as to courses that they would like to have considered for inclusion on the Course Selection Sheet for 2017-18 including, but not limited to, instruction in World Languages. It was moved and voice voted to request that the Administration respond to the item in December 2016.
- 3-8-17 - Mr. Monfredo made the following motion:  
Request that the Administration provide a report in May 2017 which would contain the names of the courses available by grade levels and also indicate the way in which the Administration will keep the parents apprised of how they can help their children with academic pursuits at home. On a voice vote, the motion was approved.
- 1-18-18 - There is an urgent need to approve more courses under this item, not Mandarin Chinese courses. The approval needed now is for the courses listed in Annex A. The reason is that the Administration needs to add them to the course selection sheet. Mr. O'Connell made the following motions:  
Request that the Administration report back to the Standing Committee in June 2019 as to the effectiveness of the Independent Study Physical Education course.  
Request that the Administration amend the prerequisites of the academic AP Research paper by amending the number of words from 4000-5000 to 4000-8000.

PRIOR ACTION (continued)

1-18-18 - Request that the Administration notify the School Committee of (continued) the date, time and location of the Career Technical Education Department's Open House highlighting a viewing of the students' presentations as an integral part of the Career Readiness Capstone Program.

On a voice vote, the motions were approved.

It was moved to approve the following courses as contained in Annex A of the backup:

- Activities of Daily Living Awareness
- Activities of Daily Living Development
- Activities of Daily Living Independence
- AP Research Course
- Career Readiness Capstone Course
- Independent Study Physical Education
- Intro to Advanced Manufacturing
- Intro to Construction
- Intro to Health Assisting
- Introductory Physics
- IT Essentials
- Language Seminar
- Literacy Access
- Literacy Application
- Literacy Skills
- Numerical Skill Development
- Numerical Awareness
- Numerical Skills
- Science Awareness
- Science Development
- Science Skills
- Social Studies Awareness
- Social Studies Development
- Social Studies Skills

On a voice vote, the motion was approved.

ITEM: gb #6-264

STANDING COMMITTEE: **TEACHING, LEARNING AND STUDENT SUPPORTS**

DATE OF MEETING: Tuesday, May 1, 2018

ITEM: Mr. O'Connell/Mr. Foley/Mr. Monfredo/Ms. Colorio/Miss McCullough/  
Miss Biancheria (July 6, 2016)

To consider opportunities to enhance the education of the academically gifted students of the Worcester Public Schools, at all appropriate levels.

PRIOR ACTION:

- 8-18-16 - Referred to the Standing Committee on Teaching, Learning and Student Supports.
- 8-16-17 - HOLD for a progress report in November 2017.

BACKUP:

Annex A (1 page) contains a copy of the Administration's response to the item.

1. The WPS Strategic Plan (Defining Our Path: A Strategic Plan for Education in Worcester, <http://www.wrrb.org/defining-our-path-a-strategic-plan-for-education-in-worcester/>) proposes:
  - **More Advanced Course Options: Increase the number of advanced learning options and enrichment opportunities in 9th grade to better prepare students to succeed in advanced courses throughout high school (p.14)**
  - **Credit-Bearing Courses in Partnership with Colleges and Universities: Partner with local colleges and universities to offer high school students access to additional credit-bearing course opportunities through dual enrollment (p.15)**
  - **Development of an Enrichment Academy Supported by Learning Institutions in the Community: Develop a public/ private enrichment academy to support advanced learners, including after-school and summer opportunities for children in grades 7-12, that leverages Worcester's distinct community, STEM, and civic assets (p.15)**
2. Worcester East Middle School Innovation Academy will be reorganized for 2019-2020 into a grade 7-8, citywide, gifted and talented program focused on science and applied for a state planning grant.
3. The Hanover Arts Academy at Burncoat Middle School will expand to grade 8 in 2018-2019.
4. The AP Seminar and AP Research courses will be fully implemented by June 2019 which will provide student access to the AP Capstone Diploma.

STANDING COMMITTEE: **TEACHING, LEARNING AND STUDENT SUPPORTS**

DATE OF MEETING: Tuesday, May 1, 2018

ITEM: Mr. Monfredo/Mr. O'Connell/Ms. Colorio/Miss McCullough/Miss Biancheria  
(July 22, 2016)

Request that the Administration provide a report on the summer school programs to include:

- academic progress
- attendance
- community involvement
- engagement of colleges in summer activities
- number of ELL students
- number of grade 1 and 2 students

and suggest improvements for next year.

PRIOR ACTION:

- 8-18-16 - Referred to the Standing Committee on Teaching, Learning and Student Supports to be discussed at a meeting in January 2017. Miss Biancheria made the following motion:  
Request that the Administration provide information on the College Community Connections Program regarding:
- the list of internships that took place at various sites and
  - feedback from the students that attended the Community Connection Program and will be taking the MCAS retest in the Fall.
- On a voice vote, the motion was approved.

BACKUP:

Annex A (5 pages) contains a copy of the Administration's response to the item.

PRIOR ACTION (continued)

- 4-24-17 Dr. Rojas spoke to the item.  
Mr. Monfredo and Mr. O'Connell made the following motion:  
Request that the item be held for a Standing Committee meeting in the Fall of 2017 in order to include recommendations from the Administration as to the program for the Summer of 2018. It was further requested that the Administration provide information on the following:
- expansion of opportunities for students in grades 1 and 2 with a focus on enrolling more of them in appropriate summer school programs
  - expansion of internships and externships for students for enrichment purposes
  - feasibility of offering a full course at the secondary level for full academic credit during the summer as a double period course
  - opportunities in connection with summer school initiatives with a focus on the needs of at-risk students
- On a voice vote, the motion was approved.

Academic progress was framed around credit buyback for students in grades 8 and up and as a preventative step to stem summer learning loss for elementary students entering grades 3 through 6. Elementary students received ELA, math, science (weather theme), and the arts daily.

Attendance at both the secondary and elementary programs was lower than expected. This was attributed to: late announcement and recruitment, limited/condensed sites, the initiation of 3 bus tiers, and the elementary limitation to grades 3-6 for enrollment. The 3 bus tiers were an attempt to save transportation costs. Several families voiced they were unable to attend the last tier sites because of parent work schedules. Other families explained that older students were needed at home to watch younger siblings who were not old enough to attend.

In summer 2017, community involvement at the elementary level included coordination with Recreation Worcester for an afternoon component in coordination with the Worcester Public Library for the book mobile visits to schools. District Title III funds supported a camp for middle school English learners through the Latino Educational Institute (LEI) at Worcester State University; African Community Education (ACE) programming, a soccer group, and several other initiatives for English learners through community based organizations.

Worcester State University, through LEI, was the only college engaged in these summer activities.

Elementary English Learners grades 3-6 with an EPL level of 1 or 2 received a full morning of ESL instruction. The number of English learners attending would have to be determined based on all programs and students identified EPL status. Attendance was not monitored/coded this way other than in the EL program.

Grade 1 and 2 students were not initially enrolled due to staffing limitations. Some schools, such as Canterbury, reorganized to take in younger siblings when it was apparent older siblings had to stay home to babysit if younger siblings did not attend.

Please note that this response does not include the special education programs that were provided for students in the summer of 2017.

The organizational structure was:

High School	15 days of credit buyback/Plato (Burncoat, North, Claremont, Doherty)
Middle School Grade 8	15 days of credit buyback/Plato (housed in high schools)
Sullivan Middle School	21 <sup>st</sup> Century Summer Program
Burncoat Middle School	21 <sup>st</sup> Century Summer Program
Claremont Academy	ESL Jump Start Program
NCC New Ludlow	18 days ESL Camp
Elementary Schools	15 days Camp Explore, Grades 3-6 Canterbury, Woodland (Goddard, Chandler), Quinsigamond (Vernon, Union), Roosevelt (Grafton, Rice Sq.), Columbus Park (Gates Lane), City View (Belmont St.), Clark St. (Burncoat Prep, Lincoln), McGrath (Elm Park), Chandler Magnet (May St., Tatnuck)  18 days ESL Camp for grades 3-6, EPL 1 and 2 at each elementary site  18 days ESL Camp NCC Clark St.  10 days Camp Invention, all grades Grant through Inventors Hall of Fame and AbbVie Housed at Clark St. and Woodland Academy for students in schools not serviced by Camp Explore

Suggested improvements:

Data collection:

- Collect data on English Learners enrolled across programs offered and across grades.
- Collect data on secondary students successfully completing buyback.
- Monitor MAP Fall to Fall for grade 3-6 students to assess success at preventing summer learning loss.

Secondary Program:

- Include 7<sup>th</sup> grade and create an engaging curriculum for grades 7-8
- Recruit and contact parents earlier. Follow up after final report card and across 15 days.

Elementary Program:

- Revert to 2 bus tiers.
- Enroll students entering grades 1 through 6.
- Continue with book club and math game format.
- Continue with hands on science activities.
- Continue with enrichment activities.

Enrollment  
See attached



### 2017 Summer School Enrollment

(Please note - There was not a program at each site. Several sites were combined)

School	Camp Explore	Camp Invention
Belmont Street School	31	1
Burncoat Prep. School	14	3
Canterbury St, School	47	0
Chandler Elementary School	19	0
Chandler Magnet School	26	0
City View School	44	0
Clark Street School	14	8
Columbus Park School	25	3
Elm Park School	12	0
Flagg St. School	0	7
Gates Lane School	16	5
Goddard School	13	3
Grafton Street School	28	4
Heard St. School	0	6
Jacob Hiatt School	44	4
Lake View School	0	6
Lincoln St. School	7	16
May Street School	4	0
McGrath Elementary School	25	6
Midland St. School	0	4
Nelson Place School	0	2
Norrback Ave School	0	3
Quinsigamond School	151	1

Rice Square School	31	0
Roosevelt School	33	0
Tatnuck Magnet School	5	0
Thorndyke Road School	0	6
Union Hill School	40	2
Vernon Hill School	39	6
Worcester Arts Magnet School	0	8
Wawecus Road School	3	7
Woodland Academy	29	10

EL Camp Enrollment

(Please note - There was not a program at each site.

Several sites were combined)

SCHOOL	EL ENROLLMENT
Belmont	10
Burncoat Prep	1
Canterbury	6
Chandler Elementary	4
City View	1
Clark Street Explore	5
Columbus Park	6
Elm Park	8
Gates Lane	4
Grafton Street	6
Jacob Hiatt	3
McGrath	5
NCC - Clark St.	39
Rice Square	2
Union Hill	2
Vernon Hill	2
Woodland Academy	12
TOTAL	116

STANDING COMMITTEE: **TEACHING, LEARNING AND STUDENT SUPPORTS**

DATE OF MEETING: Tuesday, May 1, 2018

ITEM: Miss McCullough/Mr. O'Connell/Mr. Monfredo/Miss Biancheria  
(September 26, 2016)

Request that the Administration consider the feasibility of establishing a citywide girl's ice hockey team.

PRIOR ACTION:

- 10-6-16 - Referred to the Standing Committee on Teaching, Learning and Student Supports.
- 12-5-16 - STANDING COMMITTEE ON TEACHING, LEARNING AND STUDENT SUPPORTS  
Miss McCullough made the following motion:  
Request that the item be held for discussion in February for additional information from the Administration relative to the possibility of forming a co-op.  
On a voice vote, the motion was approved.  
Mr. Monfredo suggested that the Administration check with the local colleges and Michael Myers, Manager of the Worcester Railers, the new professional hockey team for possible equipment support for a citywide girls hockey team In the Worcester Public Schools.
- 12-15-16 - SCHOOL COMMITTEE MEETING - The School Committee approved the action of the Standing Committee as stated.

BACKUP:

Annex A (1 page) contains a copy of the Administration's response to the item.

PRIOR ACTION (continued)

- 2-14-17 - Mr. Monfredo, Miss McCullough and Mr. O'Connell made the following motions:  
Request that the Administration provide a report at the next Standing Committee meeting as to the costs of establishing a cooperative initiative with other girls' ice hockey programs.  
Request that the Administration report as to further developments and progress made with regard to a cooperative girls' ice hockey team in August or September.  
Request that the Administration provide information as to students' interest in participating in a girls' ice hockey team and seek assistance from physical education teachers to help with recruitment efforts.  
Request that the Administration provide a report in September 2017 with regard to progress made regarding interest in establishing a girl's ice hockey program.  
On a voice vote, the motions were approved.
- 2-16-17 - THE SCHOOL COMMITTEE MEETING - The School Committee approved the action of the Standing As stated.
- 8-16-17 - Mr. O'Connell made the following motions:  
Request that the Administration provide a report in October 2017 as to the interest in participation in a girls ice hockey team on a Cooperative interschool basis.  
Request that the Administration address the individual topics listed in Annex A, page 1 of the backup and report back as to the feasibility of establishing a girls ice hockey team.  
It was moved and voice voted, to approve the motions.

April 20, 2018

UPDATED GIRL'S ICE HOCKEY INFORMATION:

A year ago, the Administration asked the athletic liaisons to make announcements and have dialogue with the girls in their school regarding the feasibility of having the Worcester Public Schools start an Ice Hockey Team. We fielded 5 girls that said they were interested. With the very low numbers and the fact that it would cost roughly \$46,000 dollars to start our own team the Administration decided that the best option for the Worcester Public Schools was to seek out a CO-OP possibility by joining another team that had already established Girl's Ice Hockey.

When the Administration interacted with other schools, it discovered that Saint Peter Marian and the Advanced Math and Science Academy were also looking to start up a team. All three groups wanted teams but didn't have enough girls so the Worcester Public Schools joined together with them to form one team with the host school as Saint Peter Marian. Thus, the Advanced Math and Science Academy and the Worcester Public Schools would be the guest schools. This was approved by the MIAA and Saint Peter Marian agreed to hire the coaches. The Worcester Public Schools gathered equipment, supplies and uniforms and then finally secured the new Fidelity Bank Worcester Ice Center on Harding Street as the rink on which they were going to practice and play the ice hockey games. The team was up and running and was very successful in the first year. The team went 9-10-2 and made it to the first round of the playoffs where they lost to Woburn.

The Worcester Public Schools only had two players on the team this year. We had one girl from Worcester Technical High School and one girl from Burncoat High School. The Administration is hoping to utilize the success of the team this year to continue to have more and more girls come out for the team in the future. As the fall season approaches, the Administration will once again start to make announcements and post information for the students to see at their school regarding a sign up procedure to become part of the CO-OP Girls' Ice Hockey Team.

ITEM: gb #7-2

STANDING COMMITTEE: **TEACHING, LEARNING AND STUDENT SUPPORTS**

DATE OF MEETING: Tuesday, May 1, 2018

ITEM: Mr. O'Connell/Mr. Foley/Mr. Monfredo/Miss McCullough (December 16, 2016)

To review the 2016 Successor Settlement Agreement between the United States of America and the Worcester Public Schools, and to determine the financial costs of implementing it in full, for use in preparation of the fiscal year 2018 Budget.

PRIOR ACTION:

1-5-17 - Referred to the Standing Committee on Teaching, Learning and Student Supports.

BACKUP: Attached please find a copy of the 2016 Successor Agreement and the latest response from the United States Department of Justice to the district, dated February 8, 2018. The Administration is currently collecting the required data and preparing the formal response to the latest request.

The Administration will note in its response that the district has allocated in the 2018-2019 budget an additional 5 English as a Second Language (ESL) teachers to service elementary students in the general education and special needs sub-separate classrooms. The Administration will also document to the D.O.J. its plan to add 5 ESL teachers each year, over the next 3 years. Similarly, the Administration will document its plan to acquire theme based ESL instructional modules over the next few years in grades K-6 from the American Reading Company.

Annex A (26 pages) contains a copy of the 2016 Successor Settlement Agreement between the United States of America and the Worcester Public Schools.

Annex B (11 pages) contains a copy of a letter from the U.S. Department of Justice dated February 8, 2018.

**2016 SUCCESSOR SETTLEMENT AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND THE  
WORCESTER PUBLIC SCHOOLS**



**PURPOSE**

1. This Successor Settlement Agreement replaces and supersedes the Settlement Agreement entered into by the Civil Rights Division of the United States Department of Justice and the United States Attorney's Office for the District of Massachusetts (hereafter, collectively, the "United States") and the Worcester School District ("District") on January 26, 2008, and the Supplemental Settlement Agreement entered into on July 10, 2012. The District, by and through its undersigned representative,<sup>1</sup> agrees to the terms of this Successor Settlement Agreement (the "Agreement") and agrees to resolve the noncompliance findings raised as of the date of this Agreement by the United States regarding the District's obligations under the 2008 Settlement Agreement, the 2012 Supplemental Agreement, and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f) ("EEOA"). Upon execution of the Successor Settlement Agreement, the prior agreements between the United States and the District are null and void.

2. In consideration for the commitments made herein by the District, the United States agrees not to initiate judicial proceedings to enforce the requirements of the EEOA that are addressed by this Agreement. This commitment does not relieve the District from fulfilling any other obligations under the EEOA or other federal or state laws.

3. This Agreement shall become effective on the date of its execution by both parties. Absent any evidence-based compliance objections raised by the United States, this Agreement will expire ninety (90) days after the District submits all of the reporting obligations required by Paragraphs 25, 31, 36, 41, 45, 48, 49, 53, and 54 of this Agreement in a complete and timely manner, reflecting its full and good faith compliance in the completed SY 2016-2017.

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<sup>1</sup> The District representative, by signing this document, gives assurances that she has the authority to bind the District, including successor administrators and members of the Worcester School Committee, for the Agreement's duration.

If the United States determines that the District is in partial compliance with this Agreement, the United States shall continue to monitor only those portions of the Agreement that remain out of compliance.<sup>2</sup> The parties may, upon mutual written agreement, amend this Agreement to address changed circumstances and/or to improve the delivery of services to English Learners.

4. This Agreement shall not be construed as an admission of liability by the District as to any violations of the EEOA and is entered into solely for the purpose of resolving a disputed claim.

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

#### **DEFINITIONS**

6. “Worcester School District” and “the District” refer to the Worcester School Committee and the public schools it operates.

7. “English Learners” and “ELs” refers to students who have been determined to be English Learners, Limited English Proficient, or Non-English Proficient and thus require assistance to overcome language barriers that impede their equal participation in the District’s instructional programs.

8. “FLEP” refers to a Formerly Limited English Proficient student who at one time was an EL but subsequently met the District’s criteria for exiting EL services.

9. “ESL” refers to English as a Second Language, which is direct, explicit instruction about the English language that provides a systematic and developmentally appropriate approach to teaching language. The Massachusetts Department of Elementary and

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<sup>2</sup> This paragraph shall be interpreted consistently with the United States’ responsibilities and rights discussed in Paragraph 58 below.

Secondary Education (“MADESE”) and the District also refer to ESL as English Language Development (“ELD”) instruction. ESL and ELD instruction are equivalent in this Agreement and address the listening, speaking, reading, and writing standards as contained in MADESE guidelines.<sup>3</sup>

10. “SEI” refers to the Sheltered English Immersion program required by Massachusetts law. *See* MGL Ch. 71A. SEI is an instructional model for teaching grade-level content to ELs by integrating language and literacy development into content area instruction. SEI instruction systematically incorporates an array of teaching strategies that make the content (*e.g.*, math, science, and social studies) more comprehensible to ELs while promoting their English language development.

11. “Core Content” refers to language arts, math, science, and social studies. “Core Academic Teacher” means the definition provided in 603 CMR 7.02.

12. “IEP” refers to an Individualized Education Program under the Individuals with Disabilities Education Act (“IDEA”), and “Section 504 plan” refers to a plan designed to meet the individual educational needs of a student with a disability under Section 504 of the Rehabilitation Act of 1973 (“Section 504”). “IEP Team” and “Section 504 Team” refer to the teams constituted under these laws to: identify the student’s individual needs; propose placements, programming, or services; and/or develop an IEP or Section 504 plan for the student.

13. “SWD” refers to a student with a disability under Section 504 or under the IDEA. “EL SWD” refers to a student with a disability who is also an EL.

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<sup>3</sup> To the extent the District relies on state laws or guidance for its commitments in this Agreement, they are referenced herein where appropriate. MADESE has adopted the WIDA (Worldclass Instructional Design and Assessment) English Language Proficiency Standards.

14. “Essential information” includes, but is not limited to: (a) information about special education matters arising under the IDEA or Section 504 (*e.g.*, IEPs or Section 504 meetings); (b) report cards and other academic progress reports; (c) information about the disciplinary process and any documents concerning discipline; (d) requests for parent permission for student participation in District/school sponsored programs and activities; (e) promotional materials and 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, co-curriculars, activities requiring an application, parent-teacher conferences, open houses); (f) parent/student handbooks; (g) documents concerning enrollment or registration; (h) documents concerning academic options and planning; (i) documents concerning screening procedures requesting a student’s language background, a parent’s preferred language of communication, and the process for refusing all or only specific EL services; (j) information related to public health and safety unless there is an immediate health or safety emergency, at which time information may be initially distributed in English with interpretation and/or translation to follow as soon as practicable; (k) information about how to obtain translation and interpretation services from the District free of charge; and (l) any other written information describing the rights, responsibilities, benefits, and services that are available to all students and parents.

15. “Major Languages” refers to the most commonly spoken languages other than English for ELs in the District, which are Spanish, Vietnamese, Albanian, Portuguese, Arabic, Twi, and Nepali. For major languages that do not have an available written convention, the District may provide oral interpretation in lieu of written translation.

#### **EL IDENTIFICATION**

16. Appropriate staff members in the District’s EL Department or at the individual

schools shall review EL-related tracking data on a monthly basis to ensure that all students identified as eligible for EL services are receiving appropriate EL services, unless the students have opted out of or exited the District's EL programs. EL-related data includes the EL student's:

- a. overall English Proficiency Level ("EPL");
- b. proficiency levels in all four language domains;
- c. program placement; and
- d. disability status, including whether the student has been referred for a special education evaluation.

17. The District shall assess the English Language Proficiency ("ELP") of all matriculating Kindergarten ("K") students who are enrolled in its pre-K programs and whose Home Language Survey indicates a language other than English with a valid and reliable ELP test to ensure a current ELP level (i.e., within six months of enrollment in K) is used for placement in EL services in K. If the District assesses the ELP of students enrolled in its pre-K programs, it must use an age-appropriate, valid and reliable ELP assessment.

#### **EL INSTRUCTION**

18. The District shall provide EL services consisting of ESL and SEI content instruction at all schools enrolling ELs, except that SEI content instruction is not required at a school where all of the ELs satisfy the District and State criteria for a two-way bilingual program ("Two-Way Bilingual Program").

19. The District shall permit students identified as ELs with a disability ("EL SWD") to participate in the programs offered at the District's New Citizens Center if:

- a. The student would qualify for instruction at the New Citizens Center but for

his/her disability; and

- b. The services required to accommodate the student's disability can be provided by special education teachers or aides in a mainstream setting.

### **ESL Instruction**

20. The District shall provide all ELs, including EL SWDs, with ESL instruction taught by an ESL-certified teacher, unless an EL's parent/guardian (or the student if he/she is 18 years old or older) voluntarily and knowingly refuses such EL services in writing.

21. The District shall provide ESL instruction taught by an ESL-certified teacher:
  - a. At least two to three periods (a period is not less than 45 minutes) per day of direct ESL instruction, delivered by a licensed ESL teacher for all EPL 1 and 2 students, except all SLIFE students (students with limited or interrupted formal education who are enrolled in the New Citizen Program) who shall receive three periods;
  - b. For at least one to two periods (a period is not less than 45 minutes) per day to all EPL 3 students, with ELs at the lower half of the EPL 3 score range receiving two hours and those in the upper half receiving at least one hour;
  - c. For at least one period (of at least 45 minutes) per day to all EPL 4 and 5 students. The District may provide ESL instruction to EPL 4 and 5 students through the grade-level ELA block if the course is taught by an ESL-certified teacher who is also certified to teach the ELA course; and
  - d. In placing ELs in ESL classes as prescribed above, the District shall ensure that all students receive their core content grade level courses (i.e., English language arts, math, science, and social studies).

### **SEI Instruction**

22. The District shall ensure that all ELs, except those enrolled in the Two-Way Bilingual Program, are enrolled in SEI classes for all core content classes where instruction is primarily in English, and that all teachers of those core content classes are SEI-endorsed (including endorsements obtained through ESL certification) by the 2016-2017 school year, unless: (a) they have been granted a hardship waiver by the State of Massachusetts in which case they must obtain the SEI endorsement within a year of the hardship waiver's expiration; (b) they have been newly assigned to teach core content to ELs in SY 2016-17 or later, in which case they must earn the SEI endorsement within one year of the assignment; (c) they are enrolled in and successfully complete a fall 2016 or spring 2017 District-provided SEI endorsement program, and the District shall prioritize teachers hired prior to SY 2016-17 for the fall 2016 courses; or (d) they are on track to successfully complete an ESL certification program in the 2016-17 school year.

23. The District shall ensure that all ELs (except those students who participate in the MCAS Alternate Assessment ("MCAS-Alt"<sup>4</sup>)) receive core content instruction designed to enable them to perform at grade-level, be on track to graduate from high school, and be prepared to enroll in college. Toward these ends and consistent with SEI strategies required by the State's RETELL initiative, the District shall ensure, through monitoring of instructional practices, that SEI strategies are incorporated into classroom instruction using the SEI Smart Card, the RETELL SEI Classroom Observation Tool, or other evidence-based and state-endorsed SEI observation tools, which the District will submit to the United States for review.

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<sup>4</sup> A very small number of students with the most significant disabilities, about 1% statewide, take the MCAS-Alt. The MCAS-Alt consists of a portfolio of materials collected annually by the teacher and student. Evidence for the student portfolio may include work samples, instructional data, videotapes, and other supporting information and materials based on the student's performance in the subject being assessed.

### INSTRUCTIONAL STAFF

24. The District shall actively recruit qualified, ESL-certified and SEI-endorsed staff for ESL, core content area, and special education teaching positions. In addition, the District shall actively recruit bilingual staff trained to work with ELs and staff with fluency in one or more of the languages of the District's ELs for relevant teaching and building administrative positions, and in particular for positions as special education teachers and aides.

25. The District shall require all newly hired core academic teachers of ELs to obtain an SEI endorsement or ESL certification within a year of their hire as a condition for their contract renewal. By July 1, 2016, the District shall provide written notice to all core academic teachers of ELs that if the teachers wish to continue teaching in a core academic area in SY 2016-17, they must obtain an SEI endorsement (including through an ESL certification) because—per MADESE regulations—the District will not be able to assign them to teach core academic content to ELs after July 1, 2016, without such certification or endorsement, unless they fall under exceptions a, b, and c referenced in Paragraph 22. This notice shall also remind teachers assigned to a MADESE or Worcester SEI cohort of the date by which they must renew their teaching license and that they will not be able to renew, extend, or advance their license without the SEI endorsement. In this notice, the District shall identify and explain all available options for obtaining an SEI endorsement or ESL certification in SY 2016-17, including but not limited to: enrolling in and successfully completing a DESE-approved, District-provided RETELL course beginning in fall 2016; enrolling in and successfully completing a fee-based RETELL course; passing the SEI MTEL exam; and completing the requirements for an ESL certification. By September 9, 2016, the District shall meet with any core academic teacher of ELs who lacks an ESL certification or SEI endorsement and has yet to: register for a fall 2016



RETELL course, register for the SEI MTEL exam, or commence the requirements for ESL certification. At this meeting, the District shall remind such teachers that they may not teach core academic content in WCPS in SY 2016-17 without the ESL certification or SEI endorsement and monitor each teacher's creation of a plan to obtain ESL certification or the SEI endorsement by the end of 2016 or, if necessary, by the end of SY 2016-17. If SY 2016-17 is the first year that the core academic teacher was assigned to teach ELs and the teacher lacks an SEI endorsement or ESL certification, the District shall meet with the teacher by September 9, 2016, and monitor each teacher's creation of a plan to obtain the SEI endorsement by no later than the start of SY 2017-18. The District shall submit to the United States a copy of the notice to teachers by July 15, 2016, and a copy of each teacher's plan by September 30, 2016.

26. The District shall ensure that all employees who evaluate teachers of ESL, SEI, and two-way bilingual classes are adequately trained regarding ESL instruction, SEI techniques, and native language instruction (where such instruction is provided in the school), so that they are able to conduct a meaningful evaluation. This professional development and/or training shall include at least: passing a RETELL Administrator Course and obtaining the SEI Administrator Endorsement; professional development to ensure that SEI strategies are incorporated into classroom instruction through the use of the SEI Smart Card, the RETELL SEI Classroom Observation Tool, or other evidence-based, stated-endorsed tools, which the District will submit to the United States for review, the grade-appropriate District-developed ESL modules, and site-based activities to promote the transfer of RETELL training to SEI classrooms (e.g., model lessons, coaching, professional learning communities); and for evaluating native language instruction proficiency in the language of instruction and training on the native language program model in two-way bilingual classrooms.

27. The District shall ensure that the New Citizens Center is staffed with sufficient special education teachers and aides to accommodate enrolled ELs with disabilities.

#### **ESL-Certified Teachers**

28. The District shall ensure that all ESL instruction is provided by an ESL-certified teacher. Toward that end, the District shall hire a sufficient number of ESL-certified teachers, reassign existing ESL-certified teachers to teach ESL, or train existing staff to become ESL-certified teachers or ensure that they obtain the ESL certification through other means (*i.e.*, not renewing their provisional contracts if they do not become ESL-certified within two years of their hire).

29. The District shall ensure that each school maximizes the number of ELs receiving ESL instruction with an ESL-certified teacher by, *inter alia*, requiring that principals assign ESL-certified teachers only to ESL classes if that is needed to ensure that all ELs in their respective schools receive the required amount of ESL instruction under this Agreement.

#### **SEI-Endorsed Teachers**

30. The District shall ensure that it maximizes its utilization of existing SEI-endorsed staff. Toward that end, the District, when assigning students to core content classes, shall first prioritize assignment of ELs to SEI-endorsed teachers.

31. Consistent with the requirements set forth in Paragraph 22 above, the District shall carefully plan and follow up quarterly with core academic teachers of ELs who are not SEI-endorsed or ESL-certified to ensure they complete the appropriate and available RETELL course, pass the MTEL SEI exam, or obtain an ESL certification, or are enrolled in and successfully complete a RETELL course during the 2016-17 school year. For core academic teachers newly assigned to ELs in SY 2016-17 who lack the SEI endorsement or ESL

certification, the District shall follow up quarterly with these teachers to ensure they obtain it within a year of their assignment to ELs. The District shall submit to the United States reports each year by July 15 and February 15, until at least July 15, 2017 and until compliance in this area and Paragraphs 22 through 24 is obtained, in electronic format (*e.g.*, Word or Excel file) regarding SEI-endorsed teachers that includes for each school: (a) the name of each core academic teacher; (b) whether the teacher is SEI-endorsed; (c) whether the teacher is ESL-certified; (d) the teacher's primary program area; (e) the teacher's time and/or daily hours assigned to SEI core content instruction; (f) the teacher's time or daily hours assigned to ESL instruction; and (g) for any core academic teacher that is not yet SEI-endorsed or ESL-certified, a copy of the teacher's plan to obtain these qualifications required by Paragraph 25, whether the teacher is enrolled in a RETELL or ESL certification course (including the anticipated date of completion), and the date by which their teaching license expires.

32. The District will utilize its focused instructional coaching opportunities for professional development to promote the transfer of RETELL strategies to SEI classrooms and effective, research-based ESL strategies to ESL classrooms.

#### **ENSURING ACCESS TO INFORMATION FOR LEP PARENTS**

33. The District shall provide LEP parents with meaningful access to information provided to non-LEP parents. To identify LEP parents, the District shall ask the parent registering the child in a District school, in a language they understand, whether they need oral and/or written communications in a language other than English.

34. The District shall provide translation and/or interpretation services as follows:
- a. When notices or documents containing essential information are distributed at the District or school level:

- i. such notices and documents shall be translated into the District's major languages and distributed to parents/guardians speaking those languages;  
and
    - ii. parents/guardians (or students over 18 years old) speaking languages other than the major languages shall be provided, in a timely manner, written or oral translations of the documents in a language they understand either upon the parents'/guardians' request or if the need for such translation becomes apparent.
  - b. When District employee(s) communicate with LEP parent(s)/guardian(s) orally regarding essential information:
    - i. the communication shall be provided in a language the parent/guardian understands by means of a qualified interpreter; and
    - ii. the interpreter must be provided without undue delay.
35. All interpreters provided to LEP parents by the District and/or its schools, whether as paid District employees, contractors, or volunteers, shall be:
- a. Bilingual and demonstrably qualified and competent to interpret;
  - b. Trained in providing the interpretation they are asked to provide or sufficiently knowledgeable in both languages of any specialized terminology needed (*e.g.*, special education terminology) to provide the requested interpretation accurately; and
  - c. Trained in the ethics of interpretation (*e.g.*, the need for accuracy and confidentiality in interpretation).
36. The District shall provide central office and school-based staff with electronic

access to an inventory of currently-available translated District-level and school-specific documents, and shall continue to expand the inventory so that it includes translations of all District-level essential information in the major languages and all District-provided translations of schools' essential information. 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 with minimal changes (e.g., notices about open houses, parent-teacher conferences, field trips, musical performances). The District shall provide the United States with updated versions of these lists on January 15 and July 15 of each year until the United States notifies the District that compliance with this paragraph has been achieved pursuant to Paragraph 3.

37. The District shall provide written or oral translations of information that is not deemed "essential information" upon receiving reasonable, specific requests for such information from LEP parents/guardians.

38. If a LEP parent/guardian requests that an adult family member or adult friend provide interpretation for a communication with the District or one of its schools, the District must provide interpretation through qualified District or outside resources for all essential information and any information that raises a potential conflict of interest.

39. Except in the event of an emergency and only if no District interpreter is available, the District shall not use family or friends of LEP parents for oral translations of District- or school-generated documents or for any other translation services. If there is an emergency and no District interpreter is available, the District shall follow up with the LEP parents in a timely manner to provide written translation of any and all relevant document(s) that were orally translated by family or friends.

### **RESOURCE ALLOCATION**

40. The District shall provide adequate and appropriate instructional materials for ELs. These materials shall include ESL materials for ESL classes that are appropriate for the proficiency levels of the enrolled ELs. For SEI classes, the District shall ensure that core materials include an EL component and/or supplemental materials for ELs. For all classes in the Two-Way Bilingual Program, materials shall include native language materials that are grade and subject appropriate. The District shall ensure that each school provides materials in quantities that are sufficient for the number of ELs enrolled in that school.<sup>5</sup>

41. Toward this end, the District shall complete a review of its instructional materials including (i) the ESL materials staff are using; (ii) the available core print literacy materials used to promote ELs; and (iii) supplementary materials used to access grade-level core content. The District shall develop a plan to purchase additional EL materials and submit it to the United States for review by July 15, 2016. The District also shall report to the United States by July 15, 2017 in electronic format (*e.g.*, Word or Excel file) the EL materials acquired in the past school year for each school by title, author, publisher, publication date, type of material (*e.g.*, E-library, textbook, workbook, teacher manual, or guide), quantity, the targeted EPL levels, and condition (*i.e.*, new, good, discard, or replace).

42. The District shall ensure that the District's adopted ESL materials are available and in use in all ESL classrooms and that grade-appropriate training on using the District's adopted ESL materials is provided to all ESL teachers who have yet to receive this training.

### **MONITORING CURRENT AND EXITED ELS AND EVALUATING EL SERVICES**

43. To monitor current ELs and FLEP students and to evaluate whether their

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<sup>5</sup> The District should not be relying on photocopies of workbooks or materials for students in lieu of having sufficient materials.

EL services are overcoming language barriers within a reasonable period of time, the District shall ensure that its data capacity analysis is able to disaggregate the following information by school and EL program (*i.e.*, SEI, two-way bilingual): English proficiency assessments (*e.g.*, ACCESS scores); standardized test scores (*e.g.*, MCAS); class grades; retention-in-grade rates; graduation rates; and enrollment in honors, special education, and enrichment programs (*e.g.*, Advanced Placement and gifted classes).

44. The District shall utilize the FLEP monitoring form attached hereto as Exhibit A.

45. The District shall submit to the United States reports by July 15, 2017 and January 15, 2018, with the first report due October 15, 2016, in electronic format (*e.g.*, Word or Excel file) that list all FLEP students, disaggregated by school, who were identified as requiring additional EL services.

#### **SPECIAL EDUCATION**

46. The District shall provide both special education services and EL services to each EL SWD in a manner appropriate to the student's individual needs. No EL SWD shall be denied EL services solely due to the nature or severity of the student's disability. The District shall not deny language services to students with disabilities who qualify as EL and shall not deny special education services to students who are EL and qualify for special education services. The District shall ensure that principals factor the needs of EL SWDs, including those in substantially separate placements, in each school's organizational and staffing plans and provide these students with EL services. For all EL SWDs, EL services required by Paragraphs 20-23 above shall be delivered by appropriately qualified personnel consistent with Paragraphs 22 and 28.

47. Under no circumstances shall the District deny EL services entirely, unless, in rare cases, the IEP team determines and documents in a student's IEP that the student's disability

is so severe that it would be unreasonable to expect that the student will ever be capable of using or understanding language.

48. Each school shall develop, maintain, and share with the OELL and special education offices, a list of school staff members who meet all of the following criteria:

- a. Are ESL-certified or SEI-endorsed;
- b. Are knowledgeable about EL needs and services and relevant considerations related to ELs' language and cultural backgrounds;
- c. Have received training on the intersection between EL and special education services; and
- d. Are available to participate in special education team meetings.

The District shall revise this list in January and July of each year to ensure that it is current. Beginning with the 2015-2016 school year, the District shall provide a copy of this list to the United States by July 15 and January 15 of each year. The District shall inform all principals, special education staff, and EL staff that IEP or Section 504 team meetings for each EL SWD must include one of the individuals on this list and ensure through monitoring that this requirement is met. If, prior to any IEP or Section 504 team meeting, the included individual is not already knowledgeable about the student, the District shall inform the individual where the student's files are located and when/how they can be accessed for his/her review.

49. The District shall develop and maintain a list of names and contact information for qualified professional bilingual special education evaluators in each of the District's major languages and other languages to the extent available, along with additional resources for those languages in which a bilingual evaluator is not readily available. The District shall revise this list in June and December of each year to ensure that it is current and that the individuals listed



are in fact available to conduct evaluations, and, beginning with the 2016-17 school year, shall provide a copy of this list to the United States by July 15 and January 15 of each year.

50. Consistent with applicable federal laws and regulations, every IEP of an EL shall consider the language needs of the EL, as those needs relate to the student's IEPs, and the District shall record in the IEPs the type of language and special education services provided to the EL. Every IEP shall also include: the student's current ACCESS and MCAS test scores (or if these scores are not available, the scores of a state-recognized alternative test for students with that disability) and the languages in which special education assessments were conducted; and modifications, if any, of standard assessment procedures. The IEP or SPED evaluations shall contain the role of the individuals completing the special education assessments, and the impact of language on the interpretation of the data, including a determination by the IEP team that the EL's level of English proficiency is not determinative of the decision to administer special education services.

51. The District shall ensure that the IEP team or Section 504 team of each EL SWD shall document, consider, and maintain in each EL SWD's special education file:

- a. A record of that student's language proficiency testing results;
- b. A record of that student's first language educational history, if any;
- c. Documentation of the special education assessments used to determine the student's disability or special needs, the language in which special education assessments were conducted, and the reasons for testing in that language;
- d. Documentation of the team's consideration of any effect language development issues might have on the special education assessment results; and
- e. Documentation that specifically tracks the length of time from: (i) the initiation of

any pre-referral interventions, if any; (ii) the date of referral for a special education evaluation; (iii) the date of the evaluation; and (iv) the date on which an IEP or Section 504 Plan was proposed.

52. The District shall further ensure that the IEP Team or Section 504 team of each EL SWD (in a manner consistent with and in the course of annual or regular consideration or reconsideration of the student's educational needs in accordance with state and federal laws governing the provision of special education and related aids and services) shall document, with specificity, in any new or revised IEP or Section 504 plan:

- a. Any accommodations for or modifications to standard language proficiency assessment procedures required by the student's disability or special needs, as well as an explanation for why accommodations and/or modifications are necessary;
- b. The IEP or Section 504 team's consideration of the student's language needs and the extent to which they are affected, in any or all domains, by the student's disability or special needs;
- c. The instructional model through which the student shall be provided EL services, as well as any modifications to the student's educational program required by the student's disability or special needs, and an explanation for why any such modifications are necessary; and
- d. Any other IEP or Section 504 team decision regarding the impact of a disability upon the delivery of EL services, or the impact of limited English proficiency on the delivery of special education services, and the basis for any modifications determined necessary.

**ANNUAL REPORTING TO THE UNITED STATES**

53. The District shall provide to the United States annual reports—in electronic format (*e.g.*, Word or Excel file)—fully detailing its efforts to comply with the provisions of this Agreement. The District shall submit the annual reports outlined herein each year by August 31, with the first report due August 31, 2016. The annual reports shall include the following information:

- a. A list of each individual EL student by ID number, and for each student the following information:
  - i. School, grade level, and native language;
  - ii. English Language Proficiency level;
  - iii. Special education designation;
  - iv. ESL class(es), including the type of class (*e.g.*, pull-out, push-in, ESL class) frequency, and duration (*e.g.*, Monday through Friday for 45 minutes/day);
  - v. Every SEI class, including content area, model (*i.e.*, EL-only class or mixed EL/non-EL class), frequency, and duration (*e.g.*, SEI math, EL-only, Monday through Friday for 45 minutes/day); and
  - vi. Whether or not each ESL teacher is ESL-certified and whether each SEI-content teacher is SEI-endorsed or ESL-certified;
- b. The number of K students whose Home Language Survey indicated a home language other than English; the number of such students who were tested with a test of English proficiency (i) in the spring or summer before entering K; or (ii) on or after the first day of K; and the number of such students identified as EL and

**Initially Fluent English Proficient;**

- c. The number of ELs by school, grade, and native language who opted out of language services;
- d. A list of all ESL, SEI, and two-way bilingual teachers<sup>6</sup> that includes, for each teacher, their school, grade level(s) that they teach, language(s) they speak, certification(s) and endorsements, and years of teaching experience (note: if any EL tutor was used, please provide the same data);
- e. The number of students by school, grade, native language, and language service who were exited from the District's EL program by meeting exit criteria;
- f. The number of FLEP students by school, grade, native language, and language service whose language proficiency was retested and who were re-entered into the District's EL program;
- g. A description of the District's system for monitoring FLEP students over a two-year period, specifying the data that are reviewed and including a copy of the FLEP monitoring forms for each FLEP student that exited within the past two years;
- h. The number of ELs by grade and native language who: (i) were referred for special education services; (ii) were found eligible for such services; and (iii) received such services, the duration of such services (*e.g.*, bilingual special education teacher provides special education services and one period of ESL per day or special education teacher and a ESL-certified teacher provide special education services and one period of ESL per day);

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<sup>6</sup> The District shall also provide evidence of any MADESE-approved waivers.

- i. For each school, the number of special education teachers and aides with ESL, SEI, or bilingual training and/or certification(s), noting the type of training and/or certification(s), and the foreign language(s) that the teacher or aide speaks fluently;
- j. The names and dates of staff members who have been trained on intake procedures, and the most recent tracking data reviewed by the District's EL Department;
- k. For employees who evaluate teachers of ESL, SEI, and two-way bilingual classes, the name of each employee, the date(s) of professional development and/or training that each employee received pursuant to Paragraph 26 above, and whether each employee passed a RETELL Administrator Course and obtained the SEI Administrator Endorsement;
- l. The number of occasions/events broken down by school, language, and event type (e.g., IEP meeting, discipline conference, discipline hearing, parent-teacher night, etc.) for which a school requested an interpreter from the District, the District provided an interpreter, and if an interpreter was not provided, why;
- m. A list of all the District and school documents containing essential information that have been translated by name of the document and available languages, including identifying those that have been translated in the past school year and a link to all of the translated documents posted online for each school to use; and
- n. A description of any material changes that the District proposes to make to its procedures for:
  - i. Registering students;

- ii. Assessing ELs;
- iii. Assigning ELs to classes;
- iv. ESL, SEI, or bilingual curricula;
- v. EL-related training of EL, special education, or regular education teachers and principals;
- vi. System for monitoring current ELs as well as FLEP students over a two-year period; and
- vii. Providing translator and interpreter services to LEP parents.

54. Per Paragraphs 31, 36, 41, 45, 48, and 49, the District shall submit to the United States reports each year by July 15 and January 15, in electronic format (*e.g.*, Word or Excel file) regarding SEI-endorsed teachers, FLEP students, special education staff, and bilingual evaluators, through at least July 15, 2017, and until the District has provided evidence of compliance, consistent with Paragraph 3.

#### **ENFORCEMENT**

55. The District shall maintain electronic and hard copy records of information and data pertinent to compliance with the terms of this Agreement and understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, the United States, through its representatives and any consultant or expert it may retain, may visit the District at mutually agreeable dates, interview staff and students, and request such additional reports, information, or data as are necessary for the United States to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the EEOA. The District shall honor any such requests by

making the requested reports, information, or data available to the United States for its review and duplication within 30 school days.

56. If any part of this Agreement is for any reason held to be invalid, unlawful, or otherwise unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of any other part of the Agreement. Furthermore, the District and United States shall meet within 15 days of any such decision to determine whether the Agreement should be revised or supplemented in response to the court's decision.

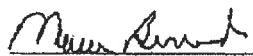
57. The District understands and acknowledges that in the event of a breach by the District of this Agreement, the United States may initiate judicial proceedings to enforce the EEOA and the specific commitments and obligations of the District under this Agreement; provided that the United States agrees that it will not initiate or pursue any enforcement action without first attempting to resolve issues by negotiating in good faith for 30 school days, or until the parties reach an impasse, whichever comes sooner, over adequate measures to correct any alleged shortcomings in the District's compliance with this Agreement.

58. 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. Representatives of the United States may speak directly, without prior notice, without District counsel unless the District employee elects to have the presence of District counsel, with District employees who are not administrators and have questions, concerns, or other information to raise with the United States regarding the District's EL obligations under the EEOA and this Agreement.

59. The following signatures indicate the consent of the parties to the terms of this Agreement, which is effective upon its mutual execution.

Assistant U.S. Attorneys  
U.S. Attorney's Office  
District of Massachusetts  
Moakley Federal Courthouse  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3282

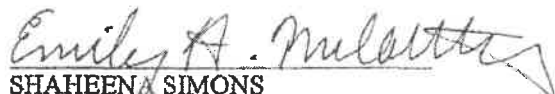
**For the Worcester Public Schools**

  
MAUREEN BINIENDA  
SUPERINTENDENT  
Worcester Public Schools  
20 Irving Street  
Worcester, MA 01608  
(508) 799-3115

Dated: 7/11/16


**For the United States**

VANITA GUPTA  
Principal Deputy Assistant Attorney General  
Civil Rights Division

  
SHAHEEN SIMONS  
EMILY H. MCCARTHY  
U.S. Department of Justice  
Civil Rights Division  
Educational Opportunities Section  
601 D Street, N.W., Suite 4300  
Washington, D.C. 20530  
(202) 305-3753

Dated: 7/11/16

CARMEN M. ORTIZ  
United States Attorney  
District of Massachusetts

  
DORFEN RACHAL  
MICHELLE LEUNG





Student Name: \_\_\_\_\_

ID#: \_\_\_\_\_

Grade: \_\_\_\_\_

School Year: **2016-17**

Monitoring Year: \_\_\_\_\_

Quarterly Timeframe: \_\_\_\_\_

Instructional location: \_\_\_\_\_

Classroom Teacher: \_\_\_\_\_

Content Area (circle one): **Elementary**

**Science**

**Math**

**ELA**

Standardized Test Score:	ACCESS: Test date:	MCAS ELA: MCAS Test date:	MCAS Math:
Data to Monitor Progress	What the data indicates - check appropriate box		
Writing Portfolio and assessments:	<b>BELOW</b> Grade Level	<b>AT</b> Grade Level	<b>ABOVE</b> Grade Level
Reading and literacy:			
Understanding (comprehension) of academic content compared to a Native English Speaker			
Oral fluency (production) during academic lessons compared to a Native English Speaker:			
Report Card Grades, Marks or Comments:			
<b>End of Quarter Classroom Teacher Recommendation</b> (please check one box):	<input type="checkbox"/> Re-designate as ELL for ESL and/or SEI instruction and future ACCESS testing. REASON: _____ <input type="checkbox"/> Concerned about student progress. REASON: _____ <input type="checkbox"/> Not a language issue, therefore student should remain as FLEP. (Note: classroom teachers <u>must</u> provide an explanation.) REASON: _____	<input type="checkbox"/> Student is able to remain at grade level in mainstream classrooms without ESL or SEI support. Remain as FLEP.	<input type="checkbox"/> Student is able to perform above grade level in the mainstream classrooms <b>WITHOUT</b> ESL or SEI support. Remain as FLEP.
<b>Intervention Recommendations:</b> If there is concern about student progress or if student is recommended for ELL status, please check that all interventions have been followed.	<input type="checkbox"/> Use of differentiated instruction <input type="checkbox"/> Support content objectives <input type="checkbox"/> Use of supplementary materials	<input type="checkbox"/> Sheltered instruction <input type="checkbox"/> Support language objectives <input type="checkbox"/> Cooperative grouping	<input type="checkbox"/> Emphasize content area vocabulary <input type="checkbox"/> Use of varied techniques

Principal: \_\_\_\_\_

Date: \_\_\_\_\_

I agree

disagree with the above recommendation

Comment: \_\_\_\_\_



**U.S. Department of Justice**

**Andrew E. Lelling**  
*United States Attorney  
District of Massachusetts*

**Main Reception: (617) 748-3100**

**John Joseph Moakley United States Courthouse**  
**1 Courthouse Way**  
**Suite 9200**  
**Boston, Massachusetts 02210**

February 8, 2018

By Electronic Mail

Ms. Paige Tobin, Esq.  
Murphy, Lamere & Murphy, PC  
50 Braintree Hill Office Park, Suite 202  
Braintree, MA 02184-8807

**Re: *Worcester Public Schools - Compliance with 2016 Successor Settlement Agreement***

Dear Paige:

We would like to thank you, Superintendent Maureen F. Binienda, Dr. Susan O'Neil, and the other staff and teachers who facilitated our visit, accompanied by Dr. Margarita Calderon, to the Worcester Public Schools (the "District") on September 21-22 and 25-26, 2017. We visited eight District schools to monitor the District's implementation of the 2016 Successor Settlement Agreement ("the Agreement"): Burncoat High School, Burncoat Street Preparatory School, Elm Park Community School, Lincoln Street School, South High School, Worcester Arts Magnet School, Worcester East Middle School, and Worcester Technical High School. We returned on December 5 to review student files from several schools. We write to memorialize our primary observations regarding the site visits and the additional information the District has since provided in correspondence and during our telephone conferences on October 12 and November 16.

As you know, we wrote to the District on January 13, 2017, detailing our concerns about the District's compliance with certain terms of the Agreement and Section 1703(f) of the Equal Educational Opportunities Act ("EEOA"). Since that time, under Superintendent's Binienda's leadership, the District has taken important steps in several areas, including, notably, the hire of 20 additional English as a Second Language ("ESL") teachers, more rigorous enforcement of the Sheltered English Immersion ("SEI") teacher and administrator endorsement requirements, and improved use of interpreters and translation services to facilitate important District- and school-level communications with Limited English Proficient ("LEP") parents. We appreciate these efforts and the Superintendent's commitment to bring this matter to a successful closure.

Below, we outline those areas in which the District remains out of compliance with the Agreement and those terms of the Agreement that may be closed at this time based on the District's record of compliance. In a few areas that we are considering for closure, we need some additional information to ensure the District's compliance. These requests for information appear in certain sections below and are summarized at the end of this letter for ease of reference. Please provide the requested information within 30 days. We will continue to monitor the noncompliant areas through the related reports and an anticipated visit in early fall.

**I. The District's Hiring of Additional ESL Teachers and Enforcement of Certification Requirements Have Resulted in Improved ESL and SEI Services for Many ELs**

When we wrote to you in January 2017, approximately 900 EL students were not receiving any ESL services in violation of both our Agreement and the EEOA. At that time, the District clearly lacked the capacity to serve all of its EL students. Last Spring, the District notified us of its intent to hire roughly 20 additional ESL-certified teachers to provide compliant ESL services to all of its EL students. We appreciate the District's follow-through on this commitment. As a result of the recent increase in ESL teachers, the District has significantly reduced the number of EL students who are not receiving *any* ESL services. As discussed in Part II below, however, the District's follow-up reports still show some EL students who are still not receiving ESL, and we learned on site that certain schools, such as Worcester Arts Magnet and Lincoln Street, are requesting additional part-time or full-time ESL teachers.

We also appreciate the District's evident commitment to enforcing the credentialing requirements set forth in our Agreement and the state regulations, which specifically require that all ESL instruction be provided by an ESL-certified teacher (Agreement ¶ 28). Though there are still ELs without ESL, the vast majority of ELs with ESL receive it from an ESL-certified teacher. Certain of the newly hired ESL teachers do not have the ESL certification yet, but have been hired under a waiver and are working towards that end. We will ask the District to report their progress by the end of this school year.

The District also has made progress towards requiring core academic teachers ("CATs") to obtain the SEI endorsement and assigning ELs to core content classes with SEI-endorsed teachers. See Agreement ¶¶30-31. Pursuant to ¶31, the District is required to submit a plan to credential each teacher who is not SEI-endorsed. According to the District's ¶31 report produced on September 16, 2017, there are only two CATs, who were both hired in August and September 2016, who are not SEI-endorsed. However, according to the District's October 31, 2017 report, titled "DOJ ELL Reports 10132017 DOJ Updates," 52 additional CATs appear to lack the ESL certification and/or SEI endorsement. To confirm compliance, we ask the District to clarify the discrepancy between this report and its ¶31 report produced on September 16, 2017. Please also provide the plans for obtaining the SEI endorsement for the two teachers listed in the ¶31 report. If the District provides adequate plans for those teachers and evidence that the 52 CATs are in fact SEI-endorsed or subject to an appropriate exemption, ¶¶30-31 and related SEI requirements in ¶¶22, 23, and 25 of the Agreement can be considered in compliance.<sup>1</sup>

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<sup>1</sup> Please note that we also still seek information regarding the number of Worcester Technical High School teachers who have neither the SEI endorsement nor the ESL certification. See Part VI, below.

We are willing to close out the SEI-related terms of §§26 and 32 based on the District's administrators having obtained the SEI Administrator endorsement and their reported use of the SEI Smart Card and RETELL tools while observing and evaluating SEI teachers. We will keep open §§26 and 32 with respect to evaluating and coaching ESL teachers, as well as §§28-29, given ongoing compliance concerns with the District's ESL instruction discussed below.

## II. The District's ESL Instruction Remains Inadequate

Despite significant improvements in ESL services this school year, the District still has many ELs who receive no ESL, insufficient amounts of ESL, or inadequate ESL given the method of delivery. We discuss these compliance issues below and look forward to resolving them with the District so that ESL services are compliant when the 2018-19 school year begins.

### A. Some Students Are Not Receiving Any ESL, Others Not Enough

The Agreement requires the provision of "ESL" in the form of "direct, explicit instruction about the English language that provides a systematic and developmentally appropriate approach to teaching language." Agreement ¶9. The Agreement, ¶21 requires the District to provide all ELs with ESL instruction by an ESL-certified teacher, as follows:

(a) for all EPL [English Proficiency Levels] 1 and 2 students, at least two to three forty-five minute periods per day;

(b) for all EPL 3 students, at least one to two periods per day, with ELs at the lower half of the EPL 3 score range receiving two hours and those in the upper half receiving at least one hour;<sup>2</sup>

(c) for all EPL 4 and 5 students, at least one period (such instruction may be provided through the grade-level ELA block if the course is taught by an ESL-certified teacher also certified to teach the ELA course); and

(d) "[i]n placing ELs in ESL classes as prescribed above, the District shall ensure that all students receive their core content grade level courses (i.e., English language arts, math, science, and social studies)."

*Id.* §§21(a)-(d).

Under the Agreement, all ELs in the District, including students with disabilities ("SWDs"), are entitled to ESL instruction in the prescribed amounts with only two exceptions. The first exception is where the EL's parent/guardian (or the student if he/she is 18 years or older) has voluntarily and knowingly refused ESL in writing. *Id.* ¶20. The second narrow

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<sup>2</sup> When we noted on site that EPL 3 students at the lower half of the EPL 3 score range receive only a single period of ESL, the District cited 2017 guidance from the Massachusetts Department of Elementary and Secondary Education ("DESE") instructing districts to treat a composite score of 3.0 to 3.4 on ACCESS 2.0 like a 3.5 to 3.9 on ACCESS 1.0. Given this guidance, we are not requiring the District to provide the second ESL period to ELs with 2017 composite scores of 3.0 to 3.4.

exception requires “the IEP team [to] determine[] and document[] in a student’s IEP that the student’s disability is so severe that it would be unreasonable to expect that the student will ever be capable of using or understanding language.” *Id.* ¶47.

As we have discussed both at the site visit and on recent calls, the District has improved the number of EL students receiving ESL. However, a substantial number of EL students are still not receiving the ESL to which they are entitled under the Agreement. For example, the data provided in “Report A Elementary” on November 10, 2017 shows 63 grade K-5 EL students who have no ESL services and no other class time with an ESL teacher.<sup>3</sup> These 63 include 20 EL SWDs, and other rosters for substantially separate (“SS”) classrooms reveal more EL SWDs with no ESL instruction, as discussed below. In “Report A Secondary” from November 10, the District identifies 170 EL students as having non-compliant services at several high schools (e.g., South, North, Forest Grove, Sullivan, University Park, and Worcester Technical) and at the New Citizen Center Young Adult Program (“NCCYAP”).<sup>4</sup> The District’s notes in this report indicate that some of these 170 EL students are waiting for ESL scheduling or needed to have their ESL scheduled later in the fall.<sup>5</sup> Please ensure that their ESL is appropriately scheduled and provide an updated Report A that reflects this.

Though many more secondary ELs are receiving ESL this school year, we remain concerned that large numbers of secondary ELs lack ESL because their families opted out of EL services. For example, the District’s ¶53(c) report from November 10, 2017 includes 171 opt-out ELs at South High, 79 at North High, and 70 at Doherty High. At South High, we learned that most of the opt-out ELs had opted out at some point in the past, and that the District had not asked these families this year if they still wished to opt their children out of EL services. For new enrollees to the District, South High asks parents whether they wish to opt out this school year and uses interpreters (including through the Language Line) to explain the benefits of EL services to families who were inclined to opt out. To help us evaluate why so many secondary EL students opted out and how the District monitors opt-out ELs, please provide us with the following documents: (1) completed second quarter SY 2017-18 opt-out monitoring forms for Burncoat High, Doherty High, North High, South High, and Forest Grove Middle School; (2) documentation that these schools reached out to struggling opt-out ELs and their families to see if they wished to enroll in EL services; and (3) a revised opt-out form that includes space for parents of ELs to explain why they are opting out of EL services.

Further, the District’s November 10 reporting shows that numerous secondary EL SWDs are receiving either no ESL or far less than the ESL required by the Agreement, ¶21. For example, over 30 secondary EL SWDs are not receiving the requisite amounts of ESL and do not qualify for the narrow exception to ESL set forth in ¶47 because their EPL is a 2. This is also

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<sup>3</sup> These 63 students have blanks in all fields between column Q, “ServiceTypeDesc,” and column AC, “ServicePeriodB.”

<sup>4</sup> These 170 secondary ELs have blanks in the “In Compliance” column rather than “Yes.”

<sup>5</sup> For example, the records of 3 ELs at Challenge Academy have a comment stating, “Student schedule was adjusted-now in compliance,” but no ESL class is reported. Similarly, the comment for some ELs says “Scheduled for Academic Lang Acq Lab B” or “Needed to add [an ESL class],” yet no ESL class is reported for these students. *See, e.g.*, EL students at “G Creamer Ctr Eve,” Challenge Academy, North, South, Forest Grove, and Worcester East Middle.

true of a few EL SWDs with an EPL of 3 who are not receiving the required period of direct ESL. Instead, they receive only limited consultation from an ESL-certified teacher. Even for many of the EL SWDs who have an EPL 1 and lack the ESL required by the Agreement, the District's explanations that accompany the data for these EL SWDs fall short – in virtually every instance – of meeting the very narrow exception set forth in ¶47.

Elementary school data also show that many EL SWDs are not receiving the requisite ESL instruction either. For example, at least 23 EL SWDs at Gates Lane receive no ESL; an ESL-certified teacher merely consults with their special education teacher once a week. Similarly, at Roosevelt, none of the 16 EL SWDs in SS classrooms receives any “direct ESL instruction.” For eight of the 16 EL SWDs, an ESL-certified teacher only consults with their teacher for 15 minutes three days a week, and the remaining eight receive only 15 minutes of co-taught ESL three times a week. At Norrback Avenue, 11 of the 21 EL SWDs in SS classrooms receive no ESL and the other 10 receive only 15 minutes of “co-taught” ESL three times a week with a part-time ESL tutor. At least seven of the 14 EL SWDs in SS classrooms at West Tatnuck appear to lack ESL as well because no ESL-certified teacher or ESL periods are listed for these students in Report A Elementary. Yet the District identifies these students as receiving “Full ESL Services” in its November reporting.<sup>6</sup>

If the District is not providing the ESL instruction required by the Agreement, ¶¶20-21, to certain EPL 1 SWDs at Gates Lane, Roosevelt, Norrback Avenue, West Tatnuck, Burncoat High, Burncoat Middle, Forest Grove, North High, South High, and Sullivan Middle based on the exception in ¶47, please identify each student's disability and provide a copy of the IEP team's determination that the “disability is so severe that it would be unreasonable to expect that the student will ever be capable of using or understanding language.” *Id.* ¶47.

In some settings EL students with EPLs 1 and 2, who should receive two periods of ESL, receive only a single period. We saw evidence that this has occurred even with EPL 1 and 2 kindergarten students, for example, at City View. Burncoat Elementary also has an EPL 1 EL SWD who receives only one period of “co-taught” ESL four times a week, and seven EPL 3 and 4 ELs who should receive a daily period of ESL, but receive it only four times a week or only twice a week for 30 minutes.

To meet the ESL requirements in ¶21, elementary ELs may be grouped across one to two consecutive EPLs and grades, and secondary school ELs may be grouped across two consecutive EPLs and grade levels or across the same EPL across three to four grade levels (e.g., a newcomer high school class). Our site visit and the District's reports this fall revealed EL students who are improperly grouped for their ESL periods. For example, several schools have grouped ELs for ESL across three to four EPLs, particularly in co-taught ESL classes (e.g., Worcester Arts Magnet, Goddard, Woodland Academy, Norrback Avenue, and Lincoln Street).

Despite the District's commendable increase in ESL teachers this school year, the schools discussed above need to improve their scheduling of ESL and in some cases need an additional

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<sup>6</sup> See Redacted school-level files attached to Ms. Tobin's November 17, 2017 emails and the November 10, 2017 Report A, Elementary tab.

full or part-time ESL teacher to ensure that all ELs receive the ESL to which they are entitled under the Agreement. These issues should be addressed promptly and resolved by September.

**B. The “Co-Taught” General Education Classes Do Not Provide Adequate ESL**

Significantly, even where the District classifies the ESL provided as “full service” in its reporting, many of the services are not fully compliant with the Agreement. On the site visit, we noted that, although many EL students are receiving direct ESL through “pull-out” classes in elementary or stand-alone ESL classes in secondary, many others are receiving all, or half, of their ESL in a “co-teaching” setting, i.e., a general education class with ELs across the spectrum of EPL levels and non-ELs. Such “co-taught ESL” does not comply with the Agreement, ¶21.

The Agreement allows the ESL required by ¶21 to be provided in a grade-level general education English language arts (“ELA”) course with non-ELs *only* for EPL 4 and 5 EL students “if the course is taught by an ESL-certified teacher also certified to teach the ELA course.” *Id.* ¶21(c). Moreover, our classroom observations with Dr. Calderon revealed that the general education math, science, and social studies classes “co-taught” by an ESL teacher and a general education teacher involved little, if any, actual ESL instruction. The ESL-certified teacher was often sidelined, offering only passive or occasional support to a few ELs (usually at their desks), not an actual ESL lesson that could meet the diverse needs of the EPL 1-5 students across the four language domains.

We appreciate that many more EL students are now receiving ESL instruction targeted to one or two consecutive EPLs than when we visited in September. Indeed, since the site visit, the District has made changes designed to increase significantly the number of ELs receiving such compliant ESL instruction. Your email on November 17, 2017 confirms that ten elementary schools now have 100% ESL instruction targeted at one or two consecutive EPLs: Chandler Elementary, Elm Park, Flagg Street, May Street, Nelson Place, Quinsigamond, Tatnuck Magnet, Union Hill, Wawecus, and West Tatnuck.

Nonetheless, our concerns persist regarding the many EL students, including young kindergartners and EPL 1 and 2 students, who are still receiving their ESL only in a co-taught general education class, like math, science, or social studies. For example, at City View, EPL 1 and 2 kindergarten students are receiving only co-taught ESL and only a single period at that. This practice deprives the most vulnerable EL students of the ESL to which they are entitled under the Agreement. Other District kindergarten EL students similarly receive their ESL only in co-taught general education settings: Vernon Hill, Woodland Academy, Worcester Arts Magnet, and Columbus. Further, some EL students, such as those at Gates Lane, entitled to two periods of direct ESL instruction, receive pull-out ESL classes for only one period and co-taught general education classes for the second.

Many EPL 4 and 5 EL students are also only receiving the ESL period required by ¶21 through co-taught general education math, science, or social studies classes, not in a grade-level ELA course where explicit ESL across all four language domains can be embedded more easily for more proficient ELs. (Agreement, ¶21(c)).

Overall, the data you supplied on November 17, 2017 shows that ELs in 23 elementary schools still receive one or two periods of their required ESL in co-taught general education classes in contravention of the Agreement. The secondary schools have less extensive problems with noncompliant ESL classes in co-taught general education classes than the elementary schools, but these problems persist at some middle and high schools, such as Worcester Tech, South High, Forest Grove, North High, and Sullivan Middle. We understood from our calls that the District intends to provide teacher trainings on how to co-teach ESL in 2018 and to adjust elementary ESL schedules this school year so that more of the co-taught ESL at least occurs during small reading groups and writer's workshops consisting of ELs at the same or comparable EPLs. We are still waiting to receive updated ESL schedules reflecting this and the District's plan to provide compliant ESL by the start of SY 2018-19.

### **C. Delayed Identification of Kindergarten ELs And Their ESL Services**

While on site, we learned that schools would not finish testing and identifying ELs in kindergarten until October 6 and that ESL services for kindergarten ELs would not start until then. October 6 is six weeks after the school year started on August 28. This delay in EL identification and ESL services in kindergarten raises concerns that are very similar to those we raised in recent years about delays in identifying and serving ELs who were matriculating from pre-kindergarten to kindergarten. The District's decision to delay the testing of all kindergarten students reflects a significant departure from its identification practices at the Parent Information Center over the past ten years. The brief mention of this change in one of the attachments to the July 13, 2017 email to us was not sufficient notice, as the District has since acknowledged.

It is important to identify ELs and their English proficiency levels as early as possible so that schools have complete information when scheduling their ESL-certified teachers' time. Waiting six weeks makes it difficult to reassign ESL teachers or EL students. Indeed, this difficulty appears to explain why so many kindergarten ELs receive their ESL only in co-taught general education classes. While the delay may have been well intentioned, the unnecessary six-week delay denied kindergarten ELs the ESL they needed as they adjusted to school for the first time in a language they do not understand. Please explain how the District will ensure that entering kindergarten ELs are timely identified and placed in ESL services for SY 2018-19.

### **D. ESL Materials**

Because so many ELs are receiving ESL only through co-taught general education classes this school year and many EL SWDs still receive little to no ESL, we are not closing the related requirements regarding ESL materials in §§40-42. We will continue to monitor those requirements until all ELs who did not opt out of services and do not qualify for the §47 exception are receiving adequate ESL instruction that uses appropriate ESL materials.

## **III. Translation and Interpreter Services and ELs' Access to Special Education**

As noted above, we found significant improvement with regard to the District's use of translation and interpreter services. The District now provides translation into the major languages of many essential documents. In addition, school administrators uniformly reported



that Language Line provides easily accessible interpreter services, even for emergency or other hastily scheduled meetings.

We have some concerns, however, about the District's translation of certain documents. In our file review on December 5, 2017, we found nearly all Home Language Surveys only in English; few were translated into other languages. Given that the District uses parent responses on this survey as the basis to decide whether or how to translate documents and to provide an interpreter for meetings, the accuracy of the survey responses is critical. To elicit accurate responses from LEP parents, the Home Language Survey should be available and utilized in the all of the District's major languages. See Agreement ¶¶33-34, 36. Please confirm that all employees involved in the distribution and administration of the Home Language Survey are using translated surveys for the major languages and, at a minimum, qualified interpreters for all other languages.

In addition, on December 5, 2017, we reviewed a selection of EL special education files from several schools. In our review, we found many translated evaluation consent forms and IEP meeting notices in the District's major languages and nearly all IEPs were translated into the native language of LEP parents. However, it was not clear whether each translation was produced before or after the parent signed the English copy of the IEP. In some cases, the District evidently produced a translation after an English copy was signed.

We found that nearly all IEP meetings appropriately included a parent, and in the cases of LEP parents, an interpreter was nearly always present. The majority of IEP meeting documents that we reviewed also included a District staff member who met the criteria required under Agreement, ¶48. Only a small fraction of IEP meetings included the student's ESL teacher, however. ESL teachers can provide valuable information during the evaluation stage to help the District determine if the EL student has a disability and during the development of the IEP to ensure that the special education services and language-specific goals are appropriate for the EL.

During our file review, we found only a small number of special education evaluations that were at least partially conducted in the student's native language. Special education files were often unclear regarding the language in which special education assessments were conducted and the reasons for testing in that language, even though documentation of the language of assessment is required by the Agreement, ¶51(c).

As noted in prior communications, we remain concerned about the small number of special education evaluations occurring in the native language given the District's very large EL SWD population and the requirements of Agreement, ¶¶49-52. We are willing to close out the requirements in Agreement, ¶¶48-49 based on the District's maintenance of the required lists, but we are leaving open ¶¶46-47 and 50-52 because the documentation in the special education files needs improvement and the denial of the requisite ESL to many EL SWDs remains unjustified. The District should ensure that schools are aware of these requirements in the Agreement and review their files to ensure compliance. As noted above, this includes documenting the basis for the conclusion that an EL SWD's disability is so severe that it qualifies for the exception provided in Agreement, ¶47. We will monitor implementation of these requirements through the District's reports and on site this fall.

## V. Monitoring of Former Limited English Proficient (“FLEP”) Students

We are pleased with the progress that the District has made in monitoring FLEP students. Consequently, we are closing the FLEP monitoring section of the Agreement, ¶¶43-45, at this time.

## VI. Worcester Technical High School

When we wrote to the District on January 13, 2017, we were concerned that EL students were underrepresented at the Worcester Technical High School – a popular school known as “Tech” with hundreds of students on the wait list each year. Only 7% of the students at Tech were ELs, while 38.4% of the District’s students were ELs in SY 2015-16. Though the District suggested that the EL percentage at Tech was lower than usual, it was only 8% in SY 2016-17. To determine why ELs were underrepresented, we asked for the following data: “for all Worcester Technical High School applicants in SY 2016-17, SY 2015-16, and SY 2014-15 by: grade, race, EL status (EL, former EL, never EL), disability, overall application score, whether each was accepted, waitlisted, or rejected (noting the basis for rejection), and whether each was interviewed.” Thus far, we have received only SY 2017-18 data. Please provide the missing data for the two prior school years. In addition, while we previously asked only for the overall application score, for each of the three school years please provide the scores for each of the components of the evaluation: (1) scholastic achievement; (2) attendance; (3) school discipline/conduct; and (4) sending guidance counselor’s recommendation.

While we still do not have adequate data to identify all the reasons for ELs’ underrepresentation, the one year of data provided indicates that ELs are underrepresented in the applicant pool and accepted at noticeably lower rates than non-ELs. For example, 729 students applied to Tech and only 17% (126) of them were current ELs. 129 of the applicants demonstrated proficiency on the WIDA test and were designated as “T” for “transitioning”, and 474 of the applicants were non-ELs. Of the 126 current ELs who applied, 41% (52) were accepted, while 61% (289) of the 474 non-EL applicants were accepted. Thus, the admitted class for SY 2017-18 included only 52 ELs, 12% of the 426 accepted students. This low incoming percentage of ELs is similar to Tech’s overall EL enrollment percentage. Having the SY 2016-17 and SY 2015-16 admissions data – and the supplemental material relating to the components in addition to the overall applications scores – will help us and the District to determine if the 41% acceptance rate for ELs has improved since SY 2016-17 and SY 2015-16 and which components may contribute to ELs’ lower acceptance and application rates.

We were encouraged that Superintendent Binienda expressed support for improved communications with LEP parents about Tech and its admissions process during our recent visit. The District should widely disseminate its brochure regarding Tech’s 23 vocational education programs in the major languages and explain the school’s EL services in the brochure, as well as at parent/student information events with qualified interpreters. We are hopeful that increased outreach to ELs and their families will lead more ELs to apply this year. We would like to work cooperatively with the District to identify the reasons that ELs are accepted at significantly lower rates and to improve their access to this highly rated program.

We also are encouraged that the District chose to participate in the pilot SEI training for vocational and technical education teachers that DESE decided to offer. It was clear from our classroom observations in 2016 and 2017 that the content of the vocational and technical education classes is very similar to that of classes taught by core academic teachers who must earn an SEI endorsement (e.g., math and science teachers). Yet, at the time of our 2016 and 2017 site visits, most EL students were enrolled in vocational and technical courses taught by teachers who have no SEI training. Because many of the VTE courses feature complex technical language, both teachers and their EL students would benefit from SEI instruction. We were pleased to learn that 25 VTE teachers at Tech are now enrolled in the pilot SEI training. We look forward to hearing feedback about the pilot and what is planned for those vocational and technical education teachers who have not enrolled.

\* \* \*

We appreciate the significant improvements the District has made over the past year under the Superintendent's leadership and are hopeful that the information we have requested will allow us to close out more terms of the Agreement. For ease of reference, below we summarize the follow-up information that we requested above and would like the District to provide within 30 days:

- (1) An explanation regarding why the District's October 31, 2017 report titled "DOJ ELL Reports 10132017 DOJ Updates" indicates that 52 core academic teachers lack the ESL certification and/or SEI endorsement;
- (2) Plans to obtain the SEI endorsements for the two teachers listed in the ¶31 report produced on September 16, 2017;
- (3) An updated Report A Secondary, reflecting the ESL classes that have been scheduled since the November report. In this updated report, please include the current ages of the ELs who are enrolled at NCCYAP, their age and EPL when they first enrolled at NCCYAP, and the name of any District school where they were enrolled prior to attending NCCYAP.<sup>7</sup> Please also provide Mr. Gay's ESL course schedule by name of course, times of the course (e.g., 8 am to 9 am, MWF, Semester 1; 9 am to 10 am, M-F, Semester 2), and the number of ELs enrolled in each course by current EPL and assigned grade level.
- (4) The three items of information requested for opt-out ELs on page 4 above;
- (5) Documentation confirming that EPL 1 SWDs at Gates Lane, Roosevelt, Norrback Avenue, West Tatnuck, Burncoat High, Burncoat Middle, Forest Grove, North High, South High, and Sullivan Middle are appropriately excluded from EL services pursuant to ¶47 because "the student's disability is so severe that it would be unreasonable to expect that the student will ever be capable of using or understanding language;"

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<sup>7</sup> According to "Report A Secondary" from November 10, 54 ELs were at NCCYAP.

- (6) A plan to ensure that EL SWDs at EPLs 1 and 2 at the schools named above who do not qualify for the exception in ¶47 receive at least one 45-minute period of ESL a day for the remainder of this school year and two periods of ESL in SY 2018-19, as required by ¶21(a);
- (7) The District's plan for addressing the co-taught ESL compliance issues noted above;
- (8) The District's plan for timely identifying and providing ESL to kindergarten ELs in SY 2018-19; and
- (9) Data for all Tech applicants for SY 2016-17, SY 2015-16, and SY 2014-15 by: grade, race, EL status (EL, former EL, never EL), disability, overall application score, whether each was accepted, waitlisted, or rejected (noting the basis for rejection), and whether each was interviewed. In addition, to the overall application score, please provide the scores for each of the components of the evaluation: (1) scholastic achievement; (2) attendance; (3) school discipline/conduct; and (4) sending guidance counselor's recommendation.

\* \* \*

We look forward to ongoing conversations with the District to ensure that the District is addressing the issues outlined in this letter and is on track to achieving compliance with the Agreement as soon as possible.

Sincerely,

/s/ Michelle Leung  
Michelle Leung  
Assistant U.S. Attorney  
Civil Rights Unit

/s/ Emily H. McCarthy  
Emily H. McCarthy  
Deputy Chief  
Educational Opportunities Section  
Civil Rights Division

STANDING COMMITTEE: **TEACHING, LEARNING AND STUDENT SUPPORTS**

DATE OF MEETING: Tuesday, May 1, 2018

ITEM: Mr. O'Connell/Mr. Monfredo/Ms. Colorio/Miss Biancheria/  
Miss McCullough (February 6, 2017)

To reestablish the PEAK ("Providing Enrichment for Able Kids") Program in the Worcester Public Schools.

PRIOR ACTION:

- 2-16-17 - Referred to the Standing Committee on Teaching, Learning and Student Supports.
- 4-24-17 Dr. Ganas stated that the Administration is proposing that it organize a PEAK-like experience for students using the Title I SES funds.  
Mr. Monfredo inquired as to the feasibility of establishing after-school PEAK-like enrichment programs for students, and, if possible, provide a report on such a program at the Standing Committee in September.  
Dr. Ganas indicated that she could provide a list of after-school programs that are PEAK-like.  
Mr. O'Connell made the following motion:  
Request that the item be held for a progress report in June or July.  
On a voice vote, the motion was approved.

BACKUP:

Annex A (1 page) contains a copy of the Administration's response to the item.

Title I funds were used to support the development of math skills using a PEAK like format. In second semester of 2016-2017, each Title I elementary school was offered the opportunity to provide a before and/or after school math club that was strategy based game playing. Teacher training to use the 24 Game and Greg Tang math games was provided. The 24 Game is an arithmetical card game in which the objective is to find a way to manipulate four integers so that the end result is 24. There are varied levels of play. Tang's games require the use of visual models and number bonds to actively problem solve. At the end of the semester, school's had a 24 game tournament and/or a parent workshop with the Greg Tang games where parents and children played the games together. The resources were left in the schools for replication in the 2017-2018 school year.

In 2017-2018, Title I funds to the district were decreased. In addition, our middle and high schools received the Title I designation to ensure they would qualify for anticipated grant opportunities. As a result, the system was unable to offer before/after school programs through Title I this school year. Title I money will fund the elementary and secondary summer school in 2018.