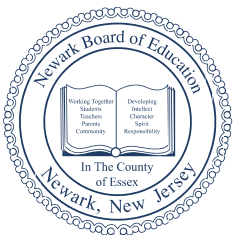


NEWARK'S BILINGUAL EDUCATION IMPROVEMENT IN LIGHT OF – BUT NOT BECAUSE OF – USDOJ ENFORCEMENT

Brenda C. Liss, Esq.
General Counsel, Newark Board of Education



Newark
Board of Education

Roger León, Superintendent Where Passion Meets Progress



Newark's Bilingual Education Improvement

SEVEN YEARS OF USDOJ ENFORCEMENT

- Notice of Complaint and Information Request 8/30/17
- Supplemental Information Request 8/20/18
- Supplemental Information Request 9/6/19
- Supplemental Information Request 1/15/19
- Notice of Results of Investigation 12/21/20
- Settlement Agreement 8/31/21
- Monitoring and Reporting through 12/31/24*

“... provided that the District has demonstrated substantial compliance with all provisions of this Agreement for a period of one year”



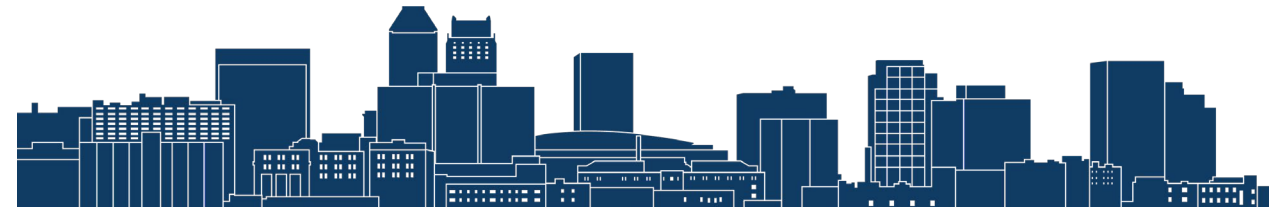
Newark's Bilingual Education Improvement

NOTICE OF COMPLAINT

August 10, 2017

*“We write to inform you that the U.S. Department of Justice (“DOJ”) has received a complaint regarding the policies and procedures for **enrolling/registering English Language Learner (“ELL”) students** in Newark Public Schools (“NPS” or the “District”), as well as the District’s practices for **communicating with Limited English Proficient (“LEP”) parents**, which may impede the ability of ELLs to fully participate in various educational programs offered by the District.*

In response to this complaint, DOJ’s Civil Rights Division and the U.S. Attorney’s Office for the District of New Jersey — both components of DOJ — are investigating NPS’s ELL enrollment/registration policies and procedures and LEP parent communications practices under Section 1703(f) of the Equal Educational Opportunities Act, 20 U.S.C. § 1703 (“EEOA”).”



Newark's Bilingual Education Improvement

INFORMATION REQUESTS

- August 7, 2017
- August 20, 2018
- December 12, 2018
- September 6, 2019
- November 15, 2019

SITE VISITS -- SCHOOLS AND CENTRAL OFFICE

- June 5-7, 2018
- October 2-5, 2018
- October 16-18, 2019
- 13 schools: principals, teachers, clerks, bilingual needs assessment teachers
- Family Support Center
- Contact Center
- Director, Deputy Director, Supervisors of Bilingual Education
- Superintendent, Chief of Staff, General Counsel



Newark's Bilingual Education Improvement

NOTICE OF RESULTS OF INVESTIGATION

December 21, 2020

“We wish to extend our sincere thanks to Superintendent Leon, who was appointed after we commenced our investigation and cooperated throughout, and the District employees who helped compile the information we requested and met with us during our site visits.”

“Although the District has more work to do to fully remedy the non-compliance identified below, we appreciate and acknowledge the actions the District took during our investigation to begin to address the concerns that were evident from visits and responses to our questions.”

“We share the desire to work collaboratively to improve its EL programs and practices.”



Newark's Bilingual Education Improvement

NOTICE OF RESULTS OF INVESTIGATION

December 21, 2020

- 64 schools
- 36,000 students, about 6,000 ELLs (17%)
- 32 languages. Most common:
 - Spanish
 - Portuguese
 - Haitian Creole
 - French
 - Bengali
 - Urdu
 - Arabic
- 4 EL programs
 - Full-time transitional bilingual: Spanish, Portuguese
 - Part-time transitional bilingual: Spanish, Portuguese, French, Haitian Creole
 - Dual language: Spanish/English half day in each language
 - High-intensity ESL:
at least 1 period/day standard ESL, 1 period/day ESL reading



Newark's Bilingual Education Improvement

NOTICE OF RESULTS OF INVESTIGATION

December 21, 2020

“Conditions Identified”

- Identification
- Placement
- **Communication with LEP Parents**
- Services
- Staffing
- Curriculum
- Services for ELs with Disabilities
- Exiting
- Monitoring Former ELs
- Program Evaluation



Newark's Bilingual Education Improvement

MEANWHILE...

- Return to Local Control 2018-2020
- New Superintendent 2018
- New Director of Bilingual Education 2019
 - Former Tenured Principal
- Family Support Center eliminated 2019
 - Function transferred to schools
- Exiting Requirements clarified 2019
 - ACCESS Score 4.5 required
- Form 7 eliminated 2020
- New ESL Curriculum 2021
- New Staff Recruitment/Retention Plan 2022
 - Salary increase, hard-to-staff bonus



Newark's Bilingual Education Improvement

SETTLEMENT AGREEMENT

August 31, 2021

“Without admitting any violation or non-compliance with EEOA or any other law, and without admitting the accuracy of any of the findings of the United States, the District agrees to implement the remedial measures in this Agreement to resolve the issues that the United States identified in its investigation....

“Where the district has already initiated remedial measures, this Agreement memorializes them....

“The Agreement will remain in effect through December 31, 2024, subject to Paragraphs 46-50 below....

“The Settlement Agreement will terminate 60 days after the District submits its entire report due October 31, 2024 ... provided the District has demonstrated substantial compliance with all provisions of this Agreement for a period of one year.”



Newark's Bilingual Education Improvement

SETTLEMENT AGREEMENT

August 31, 2021

31 pages, 51 paragraphs: compliance and reporting

- Identification and Placement of EL Students
- Provision of Services and Access to the Core Curriculum
- Staffing and Professional Development
- Curriculum
- EL Access to Special Services
- **Communications**
- Program Monitoring and Evaluation
- Reporting
- Enforcement



Newark's Bilingual Education Improvement

SETTLEMENT AGREEMENT

August 31, 2021

“The District will, for the duration of this Agreement, preserve and maintain all records and documents, including all electronically stored information, used to compile required reports and all other documents related to its compliance with the Agreement. The District will provide such information promptly to the United States upon request.”

“With reasonable advance notice, the United States, through its representatives and any consultant or expert it may retain, may conduct site visits (in person or remotely), observe EL student instruction (in person or remotely), interview staff, and request any additional reports, information, or data necessary to monitor the District’s compliance with this Agreement and with the Equal Educational Opportunities Act.”



Newark's Bilingual Education Improvement

SETTLEMENT AGREEMENT

August 31, 2021

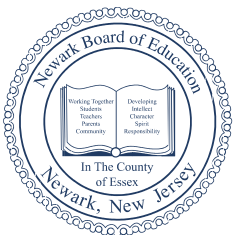
“The United States also may speak directly, without District counsel, with District employees who are not administrators and have questions, concerns, or other information to raise with the United States regarding the District’s obligations under the Equal Educational Opportunities Act and this Agreement.”

“In the event of a breach by the District of this Agreement, the United States may initiate judicial proceedings to enforce the Equal Educational Opportunities Act and the specific commitments and obligations of the District under this Agreement, provided, however, that the parties agree first to negotiate in a good faith effort to resolve the breach for 30 days or until an impasse is reached.”



NEWARK'S BILINGUAL EDUCATION IMPROVEMENT IN LIGHT OF – BUT NOT BECAUSE OF – USDOJ ENFORCEMENT

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