

OCR/DOJ AZELLA Directive Frequently-Asked Questions (FAQs)

1. What if I have new or transfer students who qualify for intervention services?

The LEA should review the incoming student's cumulative file from the previous school to determine whether a parent meeting has occurred or whether the parent has elected or declined intervention services.

If a parent meeting never occurred, the LEA should attempt to hold a meeting with the parent. Model parent consultation forms are available in many languages at: <http://www.azed.gov/english-language-learners/2012/09/25/directive-regarding-the-azella-resolution-agreement/>

If the parent has previously elected intervention services, the LEA should determine whether it can provide the same services to the qualifying student. If the LEA cannot provide the previously elected qualifying services, the LEA should contact the parent to discuss available options for intervention services at the current LEA. The LEA must offer intervention services to the qualifying student and document the updated services in the student's cumulative file. It would be useful to fill out the parent consultation form for the current LEA at: <http://www.azed.gov/english-language-learners/2012/09/25/directive-regarding-the-azella-resolution-agreement/>.

If the parent has previously declined intervention services, the LEA is not required to offer services again.

2. What should I do if a student who is qualified to receive intervention services is currently receiving special education services under an IEP?

If the student's IEP provides language services, those services may count as intervention services. However, the LEA must meet to present the parent¹ with information regarding the directive and to give the parent the option to enroll the student in additional intervention services.

3. Can schools use Title III funds or programs as part of intervention services to meet obligations under the agreement?

¹ In the directive, the term "parent" is used to refer to a qualifying student's parent or legal guardian, as applicable.

Some of the qualifying students are current ELLs as they may have been re-enrolled in an ELL program after a less-than-proficient score on AZELLA during monitoring (ELLARs). These students are eligible for ELL services funded through Title III.

For all other qualifying students as per this directive, guidance from the U.S. Department of Education is as follows: “It would be a supplanting violation for the State or an LEA to use Title III funds to pay for activities required under the settlement with the Departments of Justice and Education, OCR. Because the Resolution Agreement’s activities are in response to violations of Title VI and EEOA, these are activities that the State and LEAs are required to conduct in the absence of Title III funds, to satisfy their civil rights requirements, and thus Title III funds cannot be used without violating the non-supplanting rule.”

4. What is done if a parent withdraws a qualified student from ELL services?

Regardless of parent’s prior decision to withdraw a student from ELL services, the LEA must meet to present the parent with information regarding the directive and allow the parent the option to enroll the student in intervention services.

5. What is the LEA’s responsibility to meet with parents with whom the LEA recently met to discuss services for special education, ELLAR, or otherwise?

The LEA must make another effort to meet with the parent. The LEA may accomplish this follow-up meeting by phone or other electronic means in order to present the parent with information regarding the directive and to give the parent the option to enroll the student in additional intervention services. Any such meeting not done in person must be appropriately documented on the Parent Consultation Form by the LEA.

6. Why do some of the qualified students on the LEA list have an AZELLA composite score below proficient?

The AZELLA scores on the list of qualifying students are the student’s most recent test scores. Some of these students were reclassified and then as part of their monitoring assessment experienced slippage and their composite score resulted in less than proficient. In addition to the intervention services specifically required by this agreement, these students are also entitled to ELL services.

7. What should an LEA do with a student who qualifies without a current AIMS score but this student's DIBELS score shows that the student is performing well?

The LEA must meet to present the parent with information and allow the parent the option to enroll the student in intervention services. However, the LEA can use this meeting as an opportunity to highlight the fact that the student is performing well and may not need intervention services. That being said, the parent must be given the option to enroll the student in intervention services.

8. What is the difference between before and after school supplemental services and before and after school services only?

Supplemental services are any services that occur before or after school and are provided in addition to another intervention service during the school day. A parent may elect to enroll his or her student in intervention services before or after school only, but the parent must be offered an in-school option by the LEA as per this directive.

9. Do qualifying students count in the ELL points as part of the A-F Letter Grade?

The inclusion criteria for this directive is completely different than the inclusion criteria for ELL points as part of the A-F Letter Grade system. For more information on the ELL points in the A-F Letter Grade, please see:

<http://www.azed.gov/research-evaluation/other-performance-measures/>

10. Is it permissible to have a telephone meeting with the parent after a previous in-person parent meeting?

If the LEA has recently met with a parent, a follow-up meeting by phone or by other electronic means may be used in order to present the parent with information regarding the directive and to give the parent the option to enroll the student in additional intervention services. Any such meeting not done in person must be appropriately documented on the Parent Consultation Form by the LEA.

Contact Information:

If you have questions or concerns, please email the ADE's OCR Resolution Inquiry Inbox at OCR@azed.gov or contact Dr. Jennifer Marmo at Jen.Marmo@azed.gov.