

Voluntary Resolution Agreement

Pennsylvania Department of Education

OCR Docket Number 03-16-4041

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964, 42. U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. pt. 100, the Pennsylvania Department of Education (PDE) voluntarily enters into this Resolution Agreement (Agreement) and commits to implement the provisions set forth in this agreement in order to resolve the allegation in this complaint. This Agreement does not constitute an admission of liability on the part of PDE and does not constitute a determination by OCR of any violation of any regulations enforced by OCR.

Assurance of Nondiscrimination: PDE hereby reaffirms its commitment to ensure that limited English proficient (LEP) individuals have an opportunity equal to that of their English-speaking peers to meaningful access to PDE's programs, benefits, and services for educator misconduct complaints, including those delivered through phone, electronic and information technology.

Action Steps

1. Within 30 days of the date of the signing of this Agreement, PDE will provide written notice XXXXXX that qualified translation or interpretation (language assistance) services are available to PDE to ensure meaningful access for LEP individuals who seeks to file educator misconduct complaints with PDE. PDE shall also notify the Complainant that, as necessary, PDE will utilize the language assistance services to ensure that PDE is able to obtain the information necessary XXXXXX for PDE to investigate any educator misconduct complaint XXXXXX.

Reporting Requirement

By October 31, 2016, PDE will provide OCR with a copy of its notification of these services to the Complainant.

2. By October 31, 2016, PDE will submit for OCR's review and approval a proposed Notice to be placed on its website for individuals who are LEP. Specifically, this Notice will provide information about the language assistance services available to PDE, at no cost to LEP individuals to ensure that LEP individuals are provided with access to file an educator misconduct complaint with PDE. The Notice will: include information about how to access the services; identify a phone number for assistance in accessing the services; and will be in languages that are the most predominant in Pennsylvania.

In developing the process, PDE may seek the assistance of a consultant, and/or consider methods such as, but not limited to: employing a website translation function, or including a brief statement, translated into the predominant language groups in Pennsylvania, and contained in a header or footer on each webpage.

Reporting Requirement

By October 31, 2016, PDE will submit the draft Notice to OCR for review and approval, including a description of the languages in which the Notice will be available and how PDE determined the languages.

3. Within 30 days of OCR's approval of the Notice provided for in Paragraph 2, PDE will adopt and implement the Notice by prominently posting the approved Notice on all PDE webpages that either contain a link to PDE's Educator Misconduct Complaint Form or explains PDE's Educator Misconduct complaint process.

Reporting Requirement

Within 15 days of posting the approved Notice on its website, PDE will submit documentation to OCR that provides verification that the Notice has been implemented on its website in the specified locations.

4. By November 30, 2016, PDE will ensure that PDE employees who are primarily responsible for communicating with members of the public including by phone, in writing and/or in person, for intake and investigation of educator misconduct complaints have been trained on the language assistance services available for LEP individuals, including the current language assistance services PDE has available. This training will make clear to all participants that these PDE employees have an obligation to offer language assistance to LEP individuals when needed to file an educator misconduct complaint with PDE. Thereafter, this training will be included in the orientation for new employees who may interact with members of the public and are primarily assigned responsibilities in intake and investigation of educator misconduct complaints.

Reporting Requirements

By December 30, 2016, PDE will submit to OCR:

- The date(s) of, and the manner in which, the training required by Paragraph 4 was provided; and
- A list (e.g. sign in sheet) of individuals, by name and position, who received the training.

PDE understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that PDE has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), which is at issue in this complaint.

PDE understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, PDE understands that during the monitoring of this Agreement, OCR, with prior notice and confirmation by PDE's legal counsel, may visit PDE, interview staff covered by this Agreement, and request such additional reports or data as are

necessary for OCR to determine whether PDE has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), which is at issue in this complaint.

PDE understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including to enforce this Agreement, OCR shall give PDE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Secretary of Education (or designee)

_____/08/09/16_____
Date