

RESOLUTION AGREEMENT
DeKalb County School District
OCR Docket No. 04-11-5002

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced compliance review of the DeKalb County School District (District) 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. Part 100. To ensure compliance with Title VI and its implementing regulation and to resolve the issues of this review, the District agrees to take the following actions:

ACTION STEPS:

A. PARENTAL COMMUNICATION – MEANINGFUL ACCESS PLAN

1. **By July 31, 2013**, the District will develop and submit to OCR for review and approval a written plan to provide language assistance to limited English proficient parents/guardians (LEP parents) that ensures that they have meaningful access to the District's programs and activities. The language assistance program that is implemented pursuant to the written plan must have appropriate resources to ensure that LEP parents have meaningful access to the District's programs and activities and that English Language Learner (ELL) students have equal educational opportunities. The written plan will include the following:
 - a. a process by which District staff may obtain, in a timely manner, appropriate, qualified translators or interpreters as needed (this could include through the use of various services, such as onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs); the District's means for providing the services must be well-publicized and accessible to staff;
 - b. a process for notifying LEP parents, in a language that the parents will understand, of the availability of free language assistance with respect to school programs and activities. The notice will, at a minimum, be published on the District's website, in student and parent handbooks, and in any District-wide or school-based newsletters;
 - c. a process for identifying LEP parents who may need language assistance, including, at a minimum, through home language surveys, asking parents in a language they understand (in writing or orally, as appropriate) if they need written translations or oral interpretation of communications and if so, to specify the language(s) needed, through interaction between parents and students and staff, and taking into account that English Language Learner students (ELL students), whom the District has an obligation to identify, also may have LEP parents;
 - d. a statement that a parent does not have to be of limited English proficiency in speaking, reading, writing, and comprehending English to be considered LEP but, rather, that it is only necessary that a parent be limited in at least one of these areas to be eligible to receive language assistance as needed;

- e. a statement that, generally, the District will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration;
- f. a process that ensures that each school building has a centralized list of LEP parents identified as needing language assistance services, the type of language assistance services that they need (e.g., translation services or interpreter services), and a log of the language assistance services provided to them by date of service, type of service (e.g., translation or interpreter services for special education, disciplinary proceedings), and service provider (including name, position, and qualifications), or, if such services are contracted through a company (such as a telephonic provider), the name of the company. This process will also ensure that the list is provided to all staff in the building that may interact with LEP parents, as well as to the central administration. Staff for purposes of the agreement will include all relevant administrators, teachers, counselors, and support staff;
- g. a process that ensures that the District maintain a District-wide list of LEP parents identified by each school as needing language assistance services, the type of language assistance services that they need, and a log of the language assistance services provided to them by date, type of service, and service provider;
- h. a process that ensures that, when the children of LEP parents transfer from one building to another within the District, information regarding the language assistance needs of the parents is transferred to the building to which the children transfer;
- i. a process by which District staff who are likely to interact with identified LEP parents are advised of the parents' potential need for language assistance, the circumstances under which they may need assistance (e.g., parent-teacher conferences, documents related to disciplinary actions, disciplinary hearings, documents related to Individualized Education Programs (IEP) or Section 504 Plans, and IEP team meetings), the type of language assistance that they may need (e.g., translation services and/or interpreter services), and the means by which they may timely obtain such assistance for the parent;
- j. a process by which the District ensures that interpreters and translators are effective, appropriate and competent – and not merely bilingual or multilingual (whether District's own staff or outside resources are used);
- k. a process by which the District ensures that any of its interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality;
- l. a process that ensures that interpreters have knowledge, in English and in the parents' native language, of any specialized terms or concepts peculiar to the District program or activity for which they are providing services, including, but not limited to interpreters of IEP meetings having knowledge of special education (SPED) terminology;

- m. a process that ensures that translators understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. The process should require, as deemed appropriate and necessary, consultation with relevant community organizations, including refugee agencies, to help determine whether a document is written at an appropriate level for the intended audience or if oral interpretation is more appropriate;
- n. a process for notifying relevant District staff, on an annual basis, that, the use of family members and friends for the provision of language assistance is generally not acceptable. The notice shall state that the use of such individuals may raise issues of confidentiality, privacy, or conflict of interest, and that, in many circumstances, such persons are not competent to provide quality, accurate interpretations. The process will also include notification to relevant District staff that they should not rely on such individuals to provide LEP parents meaningful access to important programs and activities and a caution that, even when LEP parents have voluntarily chosen to provide their own interpreter or translator, the District may still need, depending upon the circumstances of the encounter, to provide its own interpreter or translator to ensure accurate interpretation or translation of critical information, especially in, but not limited to, situations where the competency of the LEP parents' chosen interpreter is not established. Additionally, the notice shall state that the use of minor children raises particular concerns about competency, quality, and accuracy of interpretations and that it is never advisable to use such children to convey information about their own education and/or complex information;
- o. a process for identifying and translating vital written documents into the language of each frequently-encountered LEP parent group eligible to be served and/or likely to be affected by the District's program or activities. In determining which written documents are vital, the District will consider the importance of the program, information, encounter, or service involved, and the consequence to the LEP parent if the information in question is not provided accurately or in a timely manner.¹ This

¹ Typical vital documents include: notice of procedural safeguards in the context of providing children with disabilities with a free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Individuals with Disabilities Education Act (IDEA); documentation related to eligibility and placement decisions under Section 504 and IDEA; disciplinary notices and procedures; registration/enrollment forms, emergency notification forms, and other forms most commonly used by the district to communicate with parents; report cards and student progress reports; notices of parent-teacher conferences or meetings; parent handbooks and fact sheets; documentation regarding the availability of academic options and planning, including gifted and talented programs, enrollment opportunities and pre-requisites for AP/honors classes, alternative language programs, college preparedness planning, and counseling and guidance services; screening procedures that request information from parents about the child's language background and the parents' preferred language for communication with the school; requests for parent permission for student participation in District/school sponsored programs and activities; and announcements distributed to students/parents that contain information about school and District activities for which notice is needed to participate in such activities (e.g. testing, school performances, co-curricular activities, activities requiring an application).

process will ensure that the list of vital written documents is provided to all school staff that may interact with LEP parents.

B. IDENTIFICATION OF STUDENTS NEEDING ELL SERVICES

By July 31, 2013, the District will develop and submit to OCR for review and approval a written plan to ensure identification and provision of services to ELL students. The written plan will include the following:

1. A process that ensures continued distribution of the District's Home Language Survey (HLS) in Spanish and English, and in as many other languages, as necessary to address the needs of low incidence language groups. As an alternative to using printed HLS forms for low incidence language groups, the District may provide interpreters to assist national origin minority LEP parents and guardians in filling out the HLS.
2. A process that ensures that all ELL students are identified and served within the District, including a process that ensures that each school within the District assesses the language needs of their students annually, at the beginning of each school year, and provides services to meet those needs.

REPORTING REQUIREMENTS:

By July 31, 2013, the District will submit to OCR for review and approval a copy of the language assistance plan it has developed under the requirements of Action Step A.1 above. Within 60 calendar days of receipt of notice of OCR's approval of the language assistance plan, the District will submit to OCR documentation demonstrating adoption and implementation of the language assistance plan, including, but not limited to the following: a copy of the plan; the notification issued pursuant to item Action Step A.1(b) and (q) above; a list of LEP parents, their language background, types of services that they require; and information as to any services provided to the parents (including date of services and name and qualification of service provider), the annual notice issued to staff; a copy of the new proposed home language survey; a copy of the list of vital written documents; and copies of the documents the District has translated. The District also will submit to OCR for review and approval a copy of the plan it has developed under the requirements of Action Step B above.

C. TRAINING

1. Within 60 calendar days of receipt of notice of OCR's approval of the language assistance plan, the District will train its staff on its policy and procedures for effectively communicating with LEP parents. Staff training will consist of a review of the language assistance plan, and will include training on the importance of effective communication with LEP parents, use of interpreters when staff receive or make calls to language-minority individuals, and applicable record-keeping procedures and reporting requirements. Additionally, the District will have a trainer,

qualified in addressing cultural sensitivity issues, train staff on the impact of ethnic and cultural differences on effective communication and the importance of cultural sensitivity in communicating with LEP parents.

REPORTING REQUIREMENTS:

By September 1, 2013, and by September 1 of each succeeding school year until such time as OCR closes the monitoring of this compliance review, the District will provide OCR documentation demonstrating that it has provided the required training. The documentation will show all District staff, by name and title, who attended the training, a copy of all documents (e.g., guidance, powerpoint and handouts) relied on by the District and distributed to staff during the training; and the name and qualifications of the trainer.

D. ANNUAL EVALUATION PLAN

1. **By July 31, 2013**, the District will develop and submit to OCR for review and approval a written plan for the annual evaluation of the effectiveness of its language assistance plan developed pursuant to Action Step 1 above. The written evaluation plan will include the following:
 - a. identification of staff responsible for evaluating the language assistance plan on an annual basis;
 - b. identification of the date by which the evaluation will be completed on an annual basis;
 - c. a list of information and items to be examined when evaluating the effectiveness of the language assistance plan, which will include, at a minimum, the following: identification of the current LEP parent groups encountered by the District; the frequency of encounters with LEP parents; the nature and importance of activities to LEP parents; the availability of resources, including technological advances and sources of additional resources, and the costs imposed; whether existing assistance is meeting the needs of LEP parents; whether staff knows and understands the language assistance plan and how to implement it; and whether identified sources for language assistance are timely available and viable; and
 - d. a process for determining whether new documents, programs, services and activities need to be made accessible for LEP parents and ELL students, and whether the District needs to provide notice of any changes in services to LEP parents and to District staff.

REPORTING REQUIREMENTS:

1. **By July 31, 2013**, the District will submit to OCR for review and approval a copy of the plan it has developed under the requirements of Action Step 2 above.

2. **By July 31, 2014, and by July 31 of each succeeding year until such time as OCR closes the monitoring of this compliance review** the District will submit to OCR documentation demonstrating the results of its evaluation of the District's implementation of its language assistance plan, consistent with the evaluation plan approved by OCR, including documentation of any changes resulting from the evaluation.

GENERAL REQUIREMENTS

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

The District 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, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3(a) and (b).

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

This Resolution Agreement will become effective immediately upon signature of the District Superintendent or designee below.

/s/
Superintendent or designee

6/27/13
Date