

**RESOLUTION AGREEMENT**  
**Rochester School District**  
***OCR Complaint No. 01-15-1252***

The Rochester School District (District) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint. The District assures that it will take the following actions. The District agreed to resolve this complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. The District entering into this Agreement does not constitute an admission of a violation of any law OCR enforces.

**Action Item 1: Parent and/or Guardian Communication Procedure**

By **August 1, 2022**, the District will develop a process or procedure (Parent and/or Guardian Communication Procedure) for translating documents and providing interpreter services in order to communicate with parents/guardians who are limited English Proficient (LEP). The Parent Communication Procedure will include, but not be limited to:

- a. A provision requiring the District, during initial student registration, to 1) inquire (via a Home Language Survey or other method) of all parents/guardians, in their native language or a language they can understand, whether they would like notices and information from their child's school and the District to be provided in a language other than English, and 2) record this information in all relevant student information files or folders and in any electronic student information system. This inquiry should be translated into languages that are common in the District and surrounding community so that the inquiry is designed to reach parents/guardians in a language they are likely to understand. For the 2022-2023 school year, based on enrollment information provided by the District, this inquiry should be translated into Spanish. For LEP parents/guardians who speak languages that are less common in the District, the District may use a cover page explaining in those languages how a parent/guardian may receive translation of the inquiry form and should offer interpreters to ensure parents/guardians accurately report their language communication needs on the inquiry form. In addition, during initial student registration, the District shall also inquire whether parents/guardians require the student handbook to be translated.
- b. A provision requiring the District to record (as described in 1(a)) the language needs of parents/guardians if language needs are identified at a time after initial student registration.
- c. A provision requiring the District to provide to all parents/guardians who elected, per Item 1(a) above, or who request through another method, written translations of all notices or documents containing essential

information (as defined in Item 1(e) below) in a language that they can understand in a timely manner.

- d. A provision requiring the District to provide written or oral translations of information that is not deemed “essential information” upon receiving a reasonable, specific request for such information from LEP parents/guardians.
- e. A list of “essential information” that will be translated for LEP parents/guardians who have requested notices in a language other than English. This list shall include, but not be limited to, the following information materials to the extent applicable to the specific student or parent/guardian:
  - i. Information about special education matters arising under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 (*e.g.*, Individualized Education Program (IEP) or 504 meetings);
  - ii. Report cards and other academic progress reports;
  - iii. Information about the disciplinary process and correspondence/records concerning discipline of a student;
  - iv. Requests for parent/guardian permission for student participation in District/school sponsored programs and activities;
  - v. 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, activities requiring an application, parent-teacher conferences, open houses);
  - vi. parent-student handbooks, upon request (as indicated in Item 1(a) above);
  - vii. Documents concerning enrollment or registration;
  - viii. Documents concerning academic options and planning (*e.g.*, course selection);
  - ix. Documents concerning screening procedures requesting a student’s language background and a parent’s/guardian’s preferred method of communication;
  - x. Information related to public health and safety; except that if there is an immediate health or safety emergency, the information may be initially

provided in English with interpretation and/or translation to follow as soon as practicable; and

- xi. Any other written information describing the rights and responsibilities of parents/guardians or students and the benefits and services available to parents/guardians and students.
  
- f. A provision requiring the District, when any District employee needs to communicate with an LEP parent/guardian regarding essential information, to communicate by means of a qualified interpreter or translator in a language that the parent/guardian understands in a timely manner.
  
- g. A provision requiring the District to develop a process for securing interpreters or translators that meet relevant qualifications concerning their role and the ethics of interpreting, and will maintain confidentiality. In addition, the process should also ensure that interpreters or translators have knowledge, in English and a language the parent/guardian can understand, of specialized terms or concepts regarding the District program or activity for which they are providing services.
  
- h. A statement that except in an emergency, the District will not use students, family or friends of LEP parents/guardians, or web-based programs (e.g., Google Translate) for interpretation of District- or school-generated documents or for any other translation or interpreter services. If there is an emergency and no District interpreter is available, the District will follow up with the parent in a timely manner to communicate, through a qualified interpreter or translation using translation software, the essential information that the family or friends orally interpreted or first provided through Google Translate or similar program.

## **Reporting Requirements**

By **August 1, 2022**, the District will provide OCR with the District's Parent and/or Guardian Communication Procedure for OCR's review and approval.

1. Within 30 days of OCR's approval of the District's Parent and/or Guardian Communication Procedure, the District will submit documentation confirming that the procedure has been provided to parents/guardians and District personnel. Specifically, the District will provide proof that it has (a) posted the procedure on the District's website, and also (b) distributed the procedure to all parents/guardians and District employees.
2. Within 180 calendar days of OCR's approval, the District will submit to OCR documentation demonstrating adoption and implementation of all elements of the Parent and/or Guardian Communication Procedure, including but not limited to: records of parent/guardian requests for language assistance; copies of documents the District has translated; transmittal coversheets or emails forwarding any translated documents to LEP parents/guardians; and links to any translated documents on the District's website.

## **Action Item 2: Staff Training**

By **October 1, 2022**, the District will conduct training for all of its administrators, teachers, team chairs, and any other District staff who are responsible for communicating essential information to parents/guardians. Such training shall address and be consistent with Title VI, and the Parent and/or Guardian Communication Procedure developed in Action Item 1. The training will include clear instruction on the following:

- a. employees' obligation to review a parent/guardian's language access needs before scheduling meetings with parents/guardians and sending out notices;
- b. what information must be translated or interpreted for LEP parents/guardians;
- c. what constitutes a qualified interpreter or translator;
- d. when and how to obtain qualified interpreters and translators;
- e. where to find accurate and up-to-date translations of documents when needed; and
- f. other best practices for communicating with LEP parents/guardians.

Prior to the start of the 2022-2023 school year, the District will develop a document outlining the information provided during the training described above, and make that document readily available to all District employees, students, and parents/guardians and on the District's website. The District will translate this document into Spanish. This District will also, upon request, translate this document into any language spoken in the community. The District will also make readily available to all schools in the District a list of qualified interpreters and translators available to them, and how to contact them and secure their services.

**Reporting Requirements**

- a. Within 10 days of the training in Action Item 2, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 2. This documentation will include but not be limited to: the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts guides, or other materials; sign-in sheets; and a list of the individuals who attended the training and their titles or positions.
- b. By **November 1, 2022**, the District will provide OCR with the training summary document and interpreter list described above and evidence that the documents were distributed as required by Action Item 2.

**Action Item 3: Professional Learning and Qualifications of Teachers and Other Personnel**

- A. The District will ensure that all EL personnel in the District are qualified to implement the District’s language program for the EL students with whom they work, and that the District has an adequate number of EL personnel to implement the District’s chosen language program for EL students.
- B. The District will ensure that the person responsible for supervising EL teachers and/or administering or coordinating the ESOL program is specifically trained to (a) supervise and evaluate EL teachers and (b) administer the ESOL program.
- C. The District will develop a plan for ensuring that all teachers who have EL students on their rosters are adequately trained to instruct EL students. This plan shall include:
  - i. A timetable for ensuring all teachers who provide core content instruction to EL students receive ongoing, appropriate, and effective professional learning on teaching EL students;
  - ii. A description of each known professional learning session that will be offered, including length, topics, and the trainer; and
  - iii. A plan for conducting periodic, and ongoing, surveys of the teachers to assess their preparation in instructing EL students, and any topics for which they need or want additional professional learning.

**Reporting Requirements:**

- 1. By **September 1, 2022**, the District will submit to OCR a list of its EL personnel for the 2022-2023 school year, including each individual’s certifications, relevant qualifications, the EL classes they are responsible for teaching, and – if they are a supervisor or administrator, their supervision/administration responsibilities.

- a. If the District identifies any EL personnel who are not certified or otherwise qualified to implement the District’s chosen language program for EL students, the District shall:
  - i. By **September 1, 2022**, submit a plan for ensuring all its EL personnel are working toward being qualified; and
  - ii. By **December 1, 2022** submit an updated list of its EL personnel’s certifications and relevant qualifications.
  - iii. If OCR determines that any of the District’s EL personnel are not certified or otherwise qualified to implement the District’s chosen language program for EL students, the District shall have 30 days from OCR’s notice of these deficiencies to prepare a professional learning plan for ensuring all its EL personnel are qualified within one year of OCR’s determination. Within 375 days of OCR’s notice, the District shall submit an updated list of its EL personnel’s certifications and relevant qualifications.

2. By **June 1, 2023**, the District will:

- i. Submit to OCR a list of all professional learning sessions regarding instructing EL students that were provided to teachers during the 2022-2023 school year, including the number of attendees and topics covered.

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 the 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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District’s representative below.

By:     /s/ Kyle M. Repucci     Date:   2/10/2022      
Kyle M. Repucci  
Superintendent