

**Resolution Agreement
East Hartford Public Schools
OCR Compliance Review No. 01-15-5001**

East Hartford Public Schools (the District) has entered into the following agreement (Agreement) with the United States Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced compliance review and to ensure the District's compliance with Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100. The District acknowledges that under Title VI: (1) it cannot employ criteria or methods of administration in registering and enrolling students which have the effect of subjecting students to discrimination because of their or their parents'/guardians' national origin; (2) it cannot require or request different or more exacting documentation from certain students based on their or their parents'/guardians' actual or perceived national origin, citizenship, or immigration status than it requests from other students; and (3) it has an obligation to ensure that Limited English Proficient (LEP) parents/guardians have comparable access to information that is provided to parents/guardians in English during the enrollment and registration process.

The District has informed OCR that it intends to revise its registration and enrollment procedures to eliminate the collection of unnecessary information and to ensure that LEP individuals can understand the registration process and receive notice of the District's translation and interpreter services. For example, the District intends to provide a notice on its website, phone lines, and at the registration desk about the availability of free interpreters provided by the District. As part of this Agreement, the District will ensure that these efforts are either already consistent with the terms below, or will be promptly revised to be consistent with the terms below in order to comply with Title VI.

In order to address the compliance concerns identified in Compliance Review No. 01-15-5001, and to ensure compliance with Title VI, the District agrees to the following terms:

Action Item 1: Student Enrollment and Registration Policy or Administrative Regulation

1. To ensure that any documents required during the enrollment and registration process (Enrollment and Registration Forms)¹ would not unlawfully bar or discourage a student or

¹ Enrollment and Registration Forms include all written documentation that the District provides to parents/guardians about the registration process and any revisions to such forms made during the implementation of this Resolution Agreement pursuant to the Registration and Enrollment Policy. Such Enrollment and Registration Forms include, but are not limited to, (1) Bilingual Enrollment Form; (2) State of Connecticut Department of Education Health Assessment Record; (3) Central Registration Parent Questionnaire; (4) Central Registration New Registration/Change of Address; (5) Central Registration Residency Affidavit; (6) Certificate of Residency; (7) Certificate of Residency Annual Renewal; (8) Guardian Certificate of Residency; (9) Guardian Certificate of Residency Annual Renewal; (10) Connecticut State Department of Education East Hartford Public Schools Child Nutrition Programs' Application for Free or Reduced Meals or Free Milk; (11) Change of Address and/or Guardian Form; (12) East Hartford Public Schools Bell Times; (13) District calendar; (14) The marking periods, orientation dates, and open house dates; (15) Letter regarding ELL/Bilingual and Gifted & Talented Service Eligibility; (16) Out of Attendance Area Request Form; (17) Notice of bus routes; (18) Student dress code; (19) East Hartford Public Schools - Emergency Information; (20) Registration Checklist for Parents/Legal Guardians; (21) Central Registration receipt regarding immunizations; (22) Central Registration receipt regarding special education; and (23) Central Registration Receipt.

his/her parents/guardians from enrolling in or registering for school based on their national origin, citizenship or immigration status, the District will review such Enrollment and Registration Forms and revise its enrollment and registration policies or administrative regulations, practices, and procedures (the Enrollment and Registration Policy) as follows:

- a. Remove references to students' and their parents'/guardians' citizenship, passport, date of entry into the United States, and immigration, refugee, and migrant status from the Bilingual Enrollment Form, Registration Checklist, and any other Enrollment and Registration Forms or inquiries made during the registration process.
 - b. Remove references to long-form birth certificates "only" and inform parents/guardians in writing on Enrollment and Registration Forms and on the District's website that the District accepts alternative documents, including but not limited to foreign birth certificates, if a student lacks a birth certificate.
 - c. Remove references to social security numbers/cards, or otherwise inform parents/guardians in writing on Enrollment and Registration Forms that the disclosure of social security numbers is voluntary and will not bar a student's enrollment if not disclosed, provide the statutory or other basis upon which the District is seeking the social security number, and explain what uses will be made of it.
 - d. Provide a "Notice of Language Assistance," consistent with Action Item 2(1), in the Section below.
2. The District's Board of Education (Board) or the District's Superintendent will rescind any District policy, administrative regulation, practice, or procedure that conflicts with the Enrollment and Registration Policy, including but not limited to:
 - a. Administrative Regulation 5111, requiring each child entering school to "have a birth certificate (long form)."
 - b. Student/parent handbooks.
 - c. Website links to all Enrollment and Registration Forms or registration information.
 3. The revisions to the Enrollment and Registration Policy will be reflected on the District's Enrollment and Registration Forms, in student and parent handbooks, on the District's website, and anywhere else the Enrollment and Registration Policy would typically appear.
 4. The District will also provide written notice to all staff, students, and parents/guardians of the revised Enrollment and Registration Policy.
 5. The District will issue a public statement in English, Spanish, and Vietnamese about the revisions to the Enrollment and Registration Policy targeted to reach parents/guardians

who may have been previously discouraged from enrolling their children in the District under the District’s prior enrollment policy. For example, the District may make this statement by placing a notice about the Enrollment and Registration Policy in local newspapers and in any local Spanish or Vietnamese publications.

Reporting Requirements

- a. By December 1, 2016, the District will submit to OCR documentation confirming that the District’s Central Registration staff has discontinued making oral requests for the following information during the enrollment and registration process, and documentation (including relevant URL(s)) demonstrating that the District has redacted or otherwise removed all references to the following information from all Enrollment and Registration Forms; student/parent handbooks; and District policies or administrative regulations, practices, and procedures:²
 - Students’ and their parents’/guardians’ citizenship, passport, date of entry into the United States, and immigration, refugee, and migrant status.
 - Long form birth certificates “only.”
 - Social security numbers/cards.
- b. By December 1, 2016, the District will submit to OCR, for review and approval, a copy of the Enrollment and Registration Policy, including but not limited to all newly-drafted Enrollment and Registration Forms; student/parent handbooks; and District policies or administrative regulations, practices, or procedures.
- c. Within 45 calendar days of OCR’s review and approval of the Enrollment and Registration Policy, the District will adopt and implement the Enrollment and Registration Policy; rescind any conflicting Enrollment and Registration Forms, student/parent handbooks or District policy, administrative regulation, practice, or procedure; provide written notice to all staff, students, and parents/guardians of the revised Enrollment and Registration Policy; and translate and submit to OCR copies of all Enrollment and Registration Forms translated into each predominant³ language in the District, together with their URL(s).
- d. Within 45 calendar days of the District’s adoption and implementation of the Enrollment and Registration Policy, the District will submit to OCR documentation

² This includes, but is not limited to, relevant portions of the following documents: (1) the Bilingual Enrollment Form (in English and in Spanish); (2) the Registration Checklist (in English and Spanish) (3) Administrative Regulation 5111 requiring each child entering school to “have a birth certificate (long form)”; and (4) the Early Childhood Learning Center at Hockanum School Head Start Parent Handbook 2016-2017, the Hockanum Readiness Program Parent Handbook 2016-2017, and the Elementary Parent/Student Handbook 2016-2017.

³ A “predominant” language is a language that is used by five percent (5%) or 1,000 persons, whichever is less, of the EL student and/or LEP parent/guardian population eligible to be served; however, if there are fewer than 50 persons in a language group that reaches the five percent (5%) threshold, the language shall not be considered “predominant” for purposes of this Agreement.

demonstrating the adoption and implementation of the Enrollment and Registration Policy, including, but not limited to:

- Documentation regarding how the District rescinded any conflicting Enrollment and Registration Forms; student/parent handbooks; and District policy, administrative regulation, practice, or procedure.
- Documentation regarding how the District notified staff, students, and parents/guardians of the new Enrollment and Registration Policy.
- The URL for the publication of the Enrollment and Registration Policy on the District’s website.
- A copy of each District handbook and publication where the new Enrollment and Registration Policy appears.
- Copies of all Enrollment and Registration Forms, student/parent handbooks, and District policies or administrative regulations, practices, or procedures that have been newly implemented.
- Documentation showing that the District made a public statement in English, Spanish, and Vietnamese about the new Enrollment and Registration policy and how and where the statement was published.

Action Item 2: District’s Policy or Administrative Regulation for Communicating with LEP Parents and Guardians During the Enrollment and Registration Process

The District will develop a written policy or administrative regulation for providing language assistance to LEP parents/guardians to ensure that they have meaningful access to the District’s enrollment and registration process (the Communication Policy). The District’s Board or the District’s Superintendent will rescind any District policy, administrative regulation, practice, or procedure that conflicts with the Communication Policy.

Such Communication Policy will include the following:

1. A “Notice of Language Assistance” (Notice) to provide written notice to LEP parents/guardians, in a language that the parents/guardians will understand, of the availability of free translation and interpreter services with respect to the enrollment and registration process. This Notice will also provide parents/guardians with a contact person who can answer any questions regarding parental communication and assist parents/guardians to access interpreter services or translated documents. This Notice will, at a minimum, be published on the District’s website, as a cover page to the District’s enrollment forms, in student and parent handbooks, in any District-wide or school-based newsletters addressing registration and enrollment, and in a handout or poster in the Central Registration office. It is sufficient for the District to provide the Notice of

Language Assistance in the 10 languages most commonly spoken by LEP parents/guardians in the District, updated annually.

2. Removal from the District’s written information, both in hard copy and online, of all statements suggesting that LEP parents/guardians should bring an interpreter with them to register their child.
3. A process for identifying and tracking LEP parents/guardians who may need language assistance, including for purposes of determining “predominant” languages as defined in footnote 3, keeping a log of the language assistance services provided by date of service, type of service, and service provider (including name, position, and qualifications), including, at a minimum:
 - Ensuring that communications with LEP parents/guardians, whether orally or in writing, are in a language the parent/guardian can understand.
 - Using surveys or questionnaires during the registration and enrollment process to ask parents/guardians if they need translation or interpreter services, and if so to specify the language(s) needed.
 - Taking into account that English Learner (EL) students, whom the District has an obligation to identify, may also have LEP parents/guardians, and acknowledging that English-speaking students may also have LEP parents/guardians.
4. A written statement that a parent/guardian does not have to be of limited English proficiency in speaking, listening, reading, and writing English in order to be considered “LEP,” but, rather, that it is only necessary that a parent/guardian be limited in at least one of these areas in order to be eligible to receive language assistance as needed.
5. A written statement that, generally, the District will accept a parent’s/guardian’s assertion that he or she needs language assistance without requiring additional corroboration.
6. A process by which the District will provide and Central Registration staff may obtain, in a timely manner, appropriate, qualified and competent translators/interpreters⁴ for LEP parents/guardians during the registration and enrollment process, including for parents/guardians from less predominant language groups. This could include the use of various services, such as onsite translators/interpreters, telephonic translators/interpreters, and/or effective translation programs. A translator/interpreter will be considered “qualified and competent” if:
 - The translator/interpreter’s skills are supported by an objective measure of proficiency in the language domain he or she is translating/interpreting (e.g.,

⁴ This provision shall be applicable to Central Registration staff who are bilingual, regardless of whether they are formally considered a “translator/interpreter.”

speaking, listening, reading, and writing). With respect to the District's use of bilingual Central Registration staff for this purpose, the World Languages Department Supervisor may provide the objective measure by assessing the translator/interpreter's proficiency in the applicable language domain(s) and providing a written statement to document the level of proficiency and method of measurement, or the District may demonstrate that the bilingual Central Registration staff member has satisfied a relevant state standard for translators/interpreters.⁵

- The translator/interpreter has been appropriately trained on the role of a translator/interpreter, the ethics of translation/interpreter services, and the need to maintain confidentiality.
 - The translator/interpreter has knowledge, in English and the LEP parents'/guardians' language, of any specialized terms or concepts used in the District's enrollment and registration process.
 - Where appropriate, the translator/interpreter understands the expected reading level of the audience and has fundamental knowledge about the target language group's vocabulary and phraseology.
7. A designated contact person(s) responsible for coordinating translation and interpreter services for the registration and enrollment process.
 8. A process for notifying District and Central Registration staff of the availability of translation and interpreter services, the availability of translated documents, and the designated contact person(s).
 9. A process for notifying relevant District and Central Registration staff, on an annual basis, that the use of LEP parents'/guardians' family, friends, and children for the provision of language assistance is generally not acceptable in lieu of an appropriate and qualified translator/interpreter. The notice shall state that:
 - The use of such individuals may raise issues of confidentiality, privacy, or conflicts of interest.
 - In many circumstances such individuals are not competent to provide quality, accurate interpretations.
 - When LEP parents/guardians have voluntarily chosen to provide their own translator/interpreter, the District may still need to provide its translator/interpreter to ensure accurate translation/interpretation of critical information. For example, a District-provided translator/interpreter may be

⁵ For example, certification to translate/interpret in court or administrative hearings.

needed if the competency of the LEP parent's/guardian's chosen interpreter cannot be established.

- It is never advisable to use minor children to convey information about their own education and/or complex information because the use of minor children raises particular concerns about competency, quality, and accuracy of translations/interpretations.
10. A process for identifying and accurately translating all material written enrollment and registration documents into the predominant languages in the District. The District will ensure accuracy, such that the translated version of the documents does not contain different or more exacting requirements than the English version. In determining if a written document is material, the District will consider the importance of the information and the consequence to the LEP parent/guardian if the information in question is not provided accurately or in a timely manner. Typical material registration and enrollment documents include:
- Enrollment and Registration Forms.
 - Documents related to Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act.
 - Parent handbooks and factsheets.
 - Documents regarding the availability of academic options and planning, including counseling and guidance services.
 - Screening procedures that request information from parents/guardians about the student's language background and the parent's/guardian's preferred language for communication with the District.
 - Public notification materials (e.g., District informational flyers, school brochures, and pamphlets).
11. A process for disseminating all translated material written enrollment and registration documents in the predominant languages in the District, including publishing on the District's website and providing hard copies in the Central Registration office.
12. A process for notifying LEP parents/guardians, in a language that the parents/guardians will understand, of how they can obtain oral or written translations/interpretations of material written enrollment and registration documents in less predominant languages.
13. A process for evaluating the effectiveness of the Communication Policy on an annual basis. The written evaluation plan will include the following:

- Identification of District staff responsible for evaluating the Communication Policy on an annual basis.
- Identification of the date by which the evaluation will be completed on an annual basis.
- A list of information and items to be examined when evaluating the effectiveness of the Communication Policy.
- A process for determining whether new documents need to be made accessible for LEP parents/guardians.
- A procedure for tracking and reviewing LEP parents’/guardians’ requests for translators/interpreters.

Reporting Requirements

- a. By December 1, 2016, the District will submit to OCR documentation confirming that the District’s Central Registration staff has discontinued making oral requests for the following information during the enrollment and registration process, and documentation (including relevant URL(s)) demonstrating that the District has redacted or otherwise removed all references to the following information from all Enrollment and Registration Forms⁶; student/parent handbooks; and District policies or administrative regulations, practices, and procedures:
 - Statements suggesting that LEP parents/guardians should bring an interpreter with them to register their child.
- b. By December 1, 2016, the District will submit to OCR, for review and approval, a copy of the Communication Policy, including but not limited to all newly-drafted documentation regarding the District’s provision of language assistance to LEP parents/guardians to ensure that they have meaningful access to the District’s enrollment and registration process.
- c. Within 45 calendar days of OCR’s review and approval of the Communication Policy, the District will adopt and implement the Communication Policy and the District will rescind any conflicting Enrollment and Registration Forms; student/parent handbooks; and District policy, administrative regulation, practice, or procedure.
- d. Within 45 calendar days of the District’s adoption and implementation of the Communication Policy, the District will translate and submit to OCR the documents listed in Action Item 2(10), and submit to OCR documentation

⁶ This includes, but is not limited to, relevant portions of the Registration Checklist, in English and Spanish.

demonstrating the adoption and implementation of the Communication Policy, including, but not limited to:

- Documentation regarding how the District rescinded any conflicting Enrollment and Registration Forms; student/parent handbooks; and District policy, administrative regulation, practice, or procedure.
- The Notice of Language Assistance to LEP parents/guardians, in a language that the parents/guardians will understand, of the availability of free translation/interpreter services with respect to the enrollment and registration process. It is sufficient for the District to provide the Notice of Language Assistance in the 10 languages most commonly spoken by LEP parents/guardians in the District, updated annually.
- Copies of documents and the URL(s) evidencing the removal from the District's written information, both in hard copy and online, of all statements suggesting that LEP parents/guardians should bring an interpreter with them to register their child.
- The District-wide list of LEP parents/guardians identified as needing language assistance services, including for purposes of determining "predominant" languages as defined in footnote 3; the type of language assistance services that they need; and a log of the language assistance services provided to them by date of service, type of service, and service provider (including name, position, and qualifications). To comply, the District may submit to OCR enough information to demonstrate that each person listed is a distinct individual (instead of providing names); however, the District shall submit the LEP parents/guardians' names if specifically requested by OCR.
- The written statement(s) that a parent/guardian does not have to be of limited English proficiency in speaking, listening, reading, and writing English in order to be considered "LEP," but, rather, that it is only necessary that a parent/guardian be limited in at least one of these areas in order to be eligible to receive language assistance as needed.
- The written statement that, generally, the District will accept a parent's/guardian's assertion that he or she needs language assistance without requiring additional corroboration.
- The designated contact person(s) responsible for coordinating translation and interpreter services for registration and enrollment, and all forms used to initiate a request for translation or interpreter services in registration and enrollment.
- The notice to District and Central Registration staff of the availability of translation and interpreter services, the availability of translated documents, and the designated contact person(s).

- A list of qualified and competent translators/interpreters for LEP parents/guardians, including parents/guardians from less predominant language groups, including: name, organization, contact information, language proficiency, training, and any other information demonstrating that they are qualified and competent as defined in Action Item 2(6).
 - The annual notice to District and Central Registration staff that the use of LEP parents/guardians' family, friends, and children for the provision of language assistance is generally not acceptable.
 - The notification for LEP parents/guardians of how they can obtain oral or written translations/interpretations of material written enrollment and registration documents in less predominant languages.
 - Copies of the documents listed in Action Item 2(10)⁷ translated into each predominant language in the District, together with their URL(s).
- e. By July 31, 2017, and annually thereafter until OCR closes the monitoring, the District will submit to OCR documentation demonstrating the results of its yearly evaluation of the District's implementation of the Communication Policy.

Action Item 3: Training

1. The District will train all Central Registration staff and supervisors, and other appropriate District staff on the Enrollment and Registration Policy. Such training will consist of the following:
 - Title VI's prohibition against discrimination on the basis of national origin with respect to student enrollment and registration.
 - Information regarding the District's Enrollment and Registration Policy, with specific emphasis on the provisions required in Action Item 1.
 - Revisions made to the District's enrollment and registration training manual to align with the Enrollment and Registration Policy.
 - Identification of whom to contact with questions about the Enrollment and Registration Policy.
2. The District will train all Central Registration staff and supervisors, and other appropriate District Staff on the Communication Policy. Such training will consist of the following:

⁷ This does not include the Enrollment and Registration Forms, which will have already been translated and submitted to OCR within 45 calendar days of OCR's review and approval of the Enrollment and Registration Policy, pursuant to Action Item 1, Reporting Requirement (c), above.

- Title VI’s prohibition against discrimination on the basis of national origin with respect to communication with LEP parents/guardians during registration and enrollment.
 - The District’s obligation under Title VI of meaningfully communicating with LEP parents/guardians to ensure that such parents/guardians have comparable access to information as English-speaking parents/guardians during registration and enrollment.
 - Information regarding the District’s Communication Policy, with specific emphasis on the provisions required in Action Item 2.
 - Revision made to the District’s enrollment and registration training manual to align with the District’s Communication Policy.
 - How to identify LEP parents/guardians in need of language assistance.
 - How and when to document which parents/guardians are LEP and in need of language assistance.
 - How and when to notify LEP parents/guardians that the District has free translators/interpreters available to provide qualified language assistance.
 - How and where to obtain appropriate, qualified language assistance for LEP parents/guardians.
 - Identification of whom to contact with questions about the Communication Policy.
3. The District will ensure that all District staff who serve as translators/interpreters for LEP parents/guardians during the registration and enrollment process are proficient in the languages spoken by parents/guardians and students in the District and have received training on the on the role of a translator/interpreter, the ethics of translating/interpreting, and the need to maintain confidentiality.⁸

Reporting Requirements

- a. By March 1, 2017, the District will provide to OCR a written description of the training on the Enrollment and Registration Policy. The description should include the date, time, and location of the training; a list of staff members in attendance, by name and title; the name(s) and title(s) of the individual(s) who conducted the training; and copies of any presentations or documents used or distributed.

⁸ This provision shall be applicable to Central Registration staff who are bilingual, regardless of whether they are formally considered a “translator/interpreter.”

- b. By March 1, 2017, the District will provide to OCR a written description of the training on the Communication Policy. The description should include the date, time, and location of the training; a list of staff members in attendance, by name and title; the name(s) and title(s) of the individual(s) who conducted the training; and copies of any presentations or documents used or distributed.
- c. By March 1, 2017, the District will provide to OCR a written description of the training provided for District staff who serve as translators/interpreters. The description should include the date, time, and location of the training; a list of staff members in attendance, by name and title; the name(s) and title(s) of the individual(s) who conducted the training; and copies of any presentations or documents used or distributed.

Action Item 4: Data Collection and Tracking Regarding LEP Parental Communication

The District will create and maintain a log or database of translator/interpreter services requested during the enrollment and registration process, including the parent's/guardian's name and primary language, the date of the request, the source of any translator/interpreter used (e.g., trained and qualified District staff, contract translators/interpreters, telephone translators/interpreters), and the name and qualifications of the translator/interpreter. If no translator/interpreter is provided, the record will indicate the reason and document any attempts made to obtain a qualified translator/interpreter.

Reporting Requirement

- a. By July 31, 2017, and annually thereafter until OCR closes the monitoring, the District will provide to OCR a copy of its log of translator/interpreter services requested during the past 12 months.

Monitoring

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the Title VI implementing regulation at 34 C.F.R. Part 100. The District also understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the terms of this Agreement. OCR agrees to review data and other information submitted by the District and provide feedback, as appropriate, within a reasonable timeframe.

The District understands that during the monitoring of this Agreement, if necessary, and with reasonable notice to the District, 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 the regulations implementing Title VI, at 34 C.F.R. Part 100, which were at issue in this case.

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, 100.10), or judicial proceeding 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.

11/10/16

Date

/s/
Superintendent
East Hartford Public Schools