

RESOLUTION AGREEMENT

Orleans Parish School Board OCR Case Number: 06131644

The Orleans Parish School Board (OPSB) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, OPSB commits to the following actions to resolve the allegations in the above-referenced complaint, and ensure that OPSB provides limited English proficient parents and guardians meaningful access to information it provides to parents and guardians in English, as required by Title VI of the Civil Rights Act of 1964 (Title VI), 29 United States Code (U.S.C.) § 2000(d), and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100.

OPSB acknowledges that under Title VI, it has an obligation to adequately notify national origin-minority limited English proficient (LEP) parents and guardians of school programs and activities that are called to the attention of other parents/guardians. OPSB further acknowledges that under Title VI, it has the responsibility to ensure meaningful access by LEP persons to information about its programs and activities.

OPSB understands that OCR will not close the monitoring of this Agreement until OCR determines that OPSB 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. OPSB 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, OPSB understands that during the monitoring of this Agreement, if necessary, OCR may visit OPSB, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether OPSB has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI. OPSB 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 proceedings to enforce this Agreement, OCR shall give OPSB written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. This Agreement does not constitute an admission by OPSB that it discriminated or otherwise engaged in any wrongdoing. OPSB voluntarily commits to the following:

By the following dates, OPSB will complete the following actions:

ACTION ITEM 1

1. By September 15, 2014, OPSB shall develop and submit for OCR review and approval a plan for providing language assistance services to LEP parents and guardians of OPSB students (Language Assistance Plan) that ensures they have meaningful access to information about OPSB's programs and activities. As part of its implementation of its Language Assistance Plan, OPSB will provide language assistance services, as required by law, to all LEP parents and guardians who need language assistance with respect to the information provided to other parents about various language assistance services such as onsite translators/interpreters, telephonic translators/interpreters services, and

translation programs. At a minimum, the Language Assistance Plan will also include the following:

- A. A process by which OPSB will provide language assistance services, including interpreters and written translations, to LEP parents, including parents from less predominant language groups;
- B. A process by which OPSB staff may obtain and provide to LEP parents, including those from less predominant language groups, language assistance services, including, but not limited to, onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs; state how staff will be notified of the availability and means of providing these services, as well as the applicable tracking procedures and reporting requirements, ensuring that OPSB's means of providing these services must be well-publicized and accessible to staff;
- C. Designation of contact person(s) responsible for obtaining translation and interpretation services;
- D. A process to ensure that all of its interpreters and translators are competent to provide interpretation and translation services and have been appropriately trained on the role of an interpreter and translator, the ethics of interpreting and translating, the need to maintain confidentiality, and that OPSB will maintain documentation to support that the interpreters and translators have the skills and proficiency to interpret and translate in English and a particular non-English language;
- E. A process for notifying relevant OPSB staff, on an annual basis, that the use of family members and friends for the provision of language assistance is not encouraged. 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. Additionally, the notice shall state that the use of minor children raises particular concerns about the competency, quality, and accuracy of interpretations and it is not advisable to use such children to convey information about their own education and/or complex information;
- F. A process for identifying and tracking LEP parents who require communication in a language other than English, including, at a minimum: (1) through home language surveys; (2) asking parents in a language they understand (in writing and/or orally as appropriate) if they need written translations or oral interpretation of communications, and, if so, to specify the language(s) needed; and (3) through an interactive process between parents and students and staff at school sites;
- G. A process ensuring that each school building documents in a database LEP parents and guardians identified as needing language assistance services. This process will also ensure that the information in the database regarding which parents/guardians are LEP is available to all staff in the building who may interact with LEP parents and guardians, as well as to the central administration. Staff for purposes of the Agreement will include all relevant administrators, teachers, counselors, and support staff;
- H. A process ensuring that the central administration, through a database, maintains an OPSB-wide list of LEP parents and guardians identified by each building as needing language assistance services;
- I. A process ensuring that each school and central administration office keeps a log of, or documents in another format, the language assistance services it provides to LEP parents

and guardians. The log (or alternate form of documentation) will identify the date the language assistance service was provided, the type of services provided (e.g., interpreter for Section 504 meeting), and the service provider (by name, or, if the services were provided through a company, the name of the company). The log will include translation and interpreting services provided, including but not limited to, scheduled or pre-arranged interactions between the parents and OPSB staff or administrators, Section 504 and IEP meetings, discipline hearings, and parent-teacher conferences;

- J. A process through the database ensuring that when the children of LEP parents/guardians transfer from one building to another within OPSB, information regarding the language assistance needs of the parents/guardians is transferred to the building to which the children transfer;
- K. A process for notifying LEP parents, in a language they can understand, of the availability of free language assistance services (as described in Item A above) with respect to school programs and activities, including parent-oriented services, and information as to how this assistance may be obtained, requiring that, at a minimum, this notice shall be published on OPSB’s website, in student and parent handbooks, and in any OPSB-wide or school-based newsletters, OPSB will provide parents with a contact person who can answer any questions regarding parental communication and assist them in accessing interpreter services or translated documents;
- L. A process by which OPSB staff who are likely to interact with identified LEP parents and guardians are advised of the parents’/guardians’ need for language assistance services, the circumstances under which they may need assistance (e.g., parent-teacher conferences, documents related to disciplinary actions, disciplinary hearings, documents related to IEPs or Section 504 Plans, and IEP team meetings), the means by which they may timely obtain such assistance for the parent, the available translated documents, and the applicable record-keeping and reporting requirements;
- M. A process for identifying and translating vital written documents¹ into the language of each predominant language group. For languages that are less predominant, OPSB will ensure that students and parents/guardians have been advised, in a language that they understand, of who to contact in the OPSB if they need assistance in understanding vital

¹ Typical vital documents may include the following: 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 OPSB 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 OPSB/school sponsored programs and activities; and announcements distributed to students/parents that contain information about school and OPSB activities for which notice is needed to participate (e.g., testing, school performances, co-curricular activities, activities requiring an application).

written documents. OPSB will notify staff members that these translations are available. “Predominant language group” means each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the LEP parent/guardian population eligible to be served or likely to be affected or encountered.

- N. A process requiring dissemination of documents to identified LEP parents in a language they can understand when OPSB generates and sends commonly used documents to parents of students enrolled in OPSB; and
 - O. An explanation of how, in the absence of a written translation, information will be conveyed to LEP parents in a language they can understand.
2. Within thirty (30) days of completing the training required by Action Item 2 below, OPSB will begin implementing the Language Assistance Plan at the OPSB level and at all OPSB schools. Within six (6) weeks of full implementation, OPSB will provide OCR documentation showing it has implemented the Language Assistance Plan. Full implementation must occur within ninety (90) days of the beginning of implementation.
 3. By March 15, 2015, OPSB will conduct its first annual evaluation of its Language Assistance Plan, as implemented, and determine what, if any, changes it will make to the Language Assistance Plan for the following school year to make it more effective.
 4. By March 31, 2015, OPSB will provide OCR with documentation showing it has satisfied Item 3 above.

ACTION ITEM 2

1. Within sixty (60) days of OCR’s approval of the Language Assistance Plan (excluding summer recess) and by October 1 annually thereafter, OPSB will provide training to all OPSB principals and other administrators and staff members who have direct contact with LEP parents and guardians about the procedures for obtaining language assistance for LEP parents/guardians. The training must address, at a minimum:
 - (a) Title VI’s prohibition against discrimination on the basis of race, color, or national origin, including OPSB’s obligation to ensure that LEP parents and guardians have meaningful access to information that is provided to parents and guardians in English;
 - (b) what translation and interpretation services (including documents already translated) OPSB has available to provide language assistance services to LEP parents and guardians and how OPSB employees may access the services to facilitate communication with LEP parents and guardians;
 - (c) how to identify LEP parents and guardians in need of language assistance;
 - (d) how and when to notify parents and guardians of OPSB students that OPSB has interpreters and translators available to facilitate communications regarding school-related matters at no cost to the parents/guardians;

- (e) how and where to document which parents and guardians of OPSB students are LEP and in need of language assistance;
 - (f) how OPSB will ensure OPSB employees, non-OPSB contractors, and, if applicable, volunteers it uses to provide language assistance to LEP parents and guardians are proficient in the languages spoken by students and parents/guardians in OPSB and are competent (including the requirements of Action Item 1(D) above) to provide such services; and
 - (g) whom to contact with questions about OPSB’s procedures for obtaining language assistance services for LEP parents and guardians.
2. OPSB will provide OCR documentation within six (6) weeks of full implementation of the Language Assistance Plan, showing it has provided the initial training session required by Action Item 2 of this Agreement. OPSB does not have to provide documentation of subsequent training sessions unless OCR requests such documentation. The documentation of the initial training session must include:
- (a) the date, time, and location of the training;
 - (b) the topics addressed at the training;
 - (c) copies of handouts distributed to the training participants;
 - (d) the name(s) and title(s) of the individual(s) who conducted the training; and
 - (e) one or more sign-in sheets with the name and title of each employee who participated in the training, and, if applicable, the school at which each employee works.
3. By December 1, 2014, and by October 1 annually thereafter, OPSB will ensure that all District employees who serve as interpreters and/or translators for LEP parents and guardians are proficient in the languages spoken by students and parents/guardians in the District and have received training on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. OPSB is not required to provide the training itself, and OPSB employees who serve as interpreters and/or translators do not have to repeat the training once they have received it. The annual requirement is to ensure that new interpreters and translators receive this training.
4. By January 15, 2015 OPSB will provide OCR documentation showing that OPSB employees who served as interpreters and/or translators for LEP parents and guardians during the first semester of the 2014-1015 school year are proficient in the languages spoken by students and parents/guardians in OPSB and have received the training required by this Action Item.

ACTION ITEM 3

At the beginning of each school year, OPSB shall develop and maintain an accurate and current electronic list of all available personnel in each school building who speak a language other than English, and are authorized to provide translation and interpretation services. The list shall include the translators’ or interpreters’: current phone numbers, building location(s), and email addresses. OPSB shall maintain this list, and each school’s principal, assistant principal(s) and registrar (or administrative staff members responsible for registration or enrollment issues) shall make the relevant parts of this list available to all personnel at each school. OPSB shall update the list during the school year, when necessary, to reflect substantial changes in translation and interpretation services available at each school.

ACTION ITEM 4

OPSB shall maintain a list of outside translators and interpreters not employed by OPSB who may be contacted to provide translation and interpretation services. The contact person(s) referenced in Action Item 1(C) shall promptly forward requests for translators or interpreters for languages not represented on OPSB’s translation and interpretation services employee list to the Central Office, or to some other designated department or administrator. For low incidence languages and any language that lacks an adequate translator or interpreter from OPSB’s translation and interpretation services employee list, OPSB shall maintain a current list of outside translators and interpreters by name, phone number, email address, and available languages, noting any specialized training.

ADDITIONAL REPORTING REQUIREMENTS

1. By **October 15, 2014, and September 15, 2015, respectively**, OPSB will provide OCR with documentation demonstrating that it has timely completed Action Item 3.
2. By **October 15, 2014 and September 15, 2015, respectively**, OPSB will provide OCR with documentation demonstrating that it has timely completed Action Item 4.

_____/s/_____
Recipient

_____7/21/2014_____
Date