

**Detroit Public Schools
Resolution Agreement
OCR Docket No. 15-12-1258**

Detroit Public Schools (the District) voluntarily submits the following Resolution Agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to ensure compliance with 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. § 100, and to resolve the above-referenced complaint.

The District acknowledges that, under Title VI, it has an obligation to “adequately notify” national origin-minority group parents of school programs and activities that are called to the attention of other parents. The District further acknowledges that, under Title VI, it has the responsibility to ensure “meaningful access” to its programs and activities by persons with limited English proficiency. The District understands that the terms “adequately notify” and “meaningful access” mean that a parent who is considered to be limited-English proficient (LEP) based on his or her ability to read, speak, write, or understand spoken English is not to be excluded from, or denied the benefits of, the District's programs and activities. Based on the foregoing, the District agrees to take the following actions:

Individual Remedies

- A. By November 15, 2014, the District will send a letter in Spanish to the Student’s parent via certified mail, offering to determine and provide academic support services, including tutoring, to address any academic and/or language deficits attributable to the time period from November 2011 through the end of the 2011-2012 school year when he was not provided with an ESL-certified or bilingual teacher at Logan Elementary School. The letter will notify the Student’s parent that she has 30 calendar days, until December 15, 2014, to notify the District she is accepting the District’s offer. If the parent accepts the District’s offer, the District will convene a meeting by January 15, 2015, of appropriate District staff, the Student’s parent, and staff from the Student’s current school knowledgeable about the Student and his academic and language progress (the team) to determine whether the Student exhibits academic and/or language deficits as described above. The District will request, from the Student’s school, report cards and standard evaluation assessments from 2011-2012 and 2012-2013 for the team to consider in the discussion and determination. If the District is unable to obtain access to records from the Student’s school, it will make its determination based on the information available. Spanish interpreter services will be provided to the Student’s parent for the meeting. If the team determines that educational services are necessary, the team will then determine the amount and type of services necessary to compensate the Student. The services will then be provided by the District at no cost to the Student’s parent(s).

Reporting Requirements: By November 15, 2014, the District will provide OCR with documentation verifying it issued the letter required by Item A to the Student’s parent, including a copy of the letter. By December 30, 2014, the District will provide OCR with documentation indicating whether the parent accepted the District’s offer. By January 31, 2015, the District will notify OCR that the meeting occurred and the determinations of the

team. By March 15, 2015 and June 15, 2015, the District will provide OCR with documentation verifying it provided the Student with compensatory educational services determined to be appropriate. If the school year ends before all services can be delivered, the District will suspend services until the fall 2015 when the Student returns to school at which time they will be completed.

B. By November 15, 2014, the District will provide written notice to all parents and/or legal guardians of LEP students who were enrolled in the same classroom as the Student at Logan Elementary School during the 2011-2012 school year and who are currently District students or reside within the District's borders that the District will evaluate each student to determine what compensatory educational services are needed to address any academic and/or language deficits attributable to the time period from November 2011 through the end of the 2011-2012 school year when the students were not provided with an ESL-certified or bilingual teacher at Logan Elementary School. The notice will be provided in language(s) that the parents can understand. . The District will request, from the students' school, if other than the District, report cards and standard evaluation assessments from 2011-2012 and 2012-2013 for the team to consider in the discussion and determination. If the District is unable to obtain access to records from any outside sources, it will make its determination based on the information available. The District will complete the evaluations and determinations of compensatory educational services for each student by January 31, 2015. By February 9, 2015, if compensatory educational services are determined to be appropriate, the District will send a letter of the determination to parents, in language(s) that the parents can understand. The letter will notify parents that they have 28 calendar days, until March 9, 2015, to inform the District whether they intend to accept and have their child participate in receiving compensatory educational services.

Reporting Requirements: By November 15, 2014, the District will provide OCR with documentation verifying the notices were issued as required by Item B. January 31, 2015, the District will provide OCR with copies of the information considered for each student and the determinations made regarding compensatory educational services. By June 15, 2015, the District will provide OCR with documentation verifying it provided each student whose parent agreed to have their child participate in receiving compensatory educational services with any compensatory educational services determined to be appropriate. If the school year ends before all services can be delivered, the District will suspend services until the fall 2015 when the students return to school at which time they will be completed.

District Remedies

- C. By December 15, 2014, the District will develop a written plan to provide language assistance to LEP parents/guardians (LEP parents) that ensures they have meaningful access to the District's programs and activities. The written plan will include the following:
1. 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.

2. A statement that a parent does not have to be of limited English proficiency in speaking, reading, writing, and comprehending English in order to be considered LEP but, rather, it is only necessary that a parent be limited in at least one of these areas in order to be eligible to receive language assistance as needed.
3. A statement that, generally, the District will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration.
4. A process for identifying LEP parents who may need language assistance through, at a minimum, (i) the District's enrollment form, which contains the questions formerly on the home language survey and asks 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 services needed, (ii) interaction between parents and staff, and (iii) using information about LEP students, whom the District has an obligation to identify, to determine if those students have LEP parents.
5. The District will have a process that ensures that the building has a centralized list of LEP parents identified as needing language assistance services and the type of language assistance services they need. The school administrator/principal will use this information to keep a log of the language assistance services provided to parents by date of service, type of service (e.g., translation or interpreter services for special education, disciplinary proceedings), and service provider (including name and position). The school administrator/principal will also ensure that the list is provided to all staff in the building that may interact with LEP parents. "Staff," for purposes of this plan, will include all relevant administrators, teachers, counselors, and support staff. Information will also be available and accessible via the District's student information database which can be accessed 24 hours day/7 days a week.
6. A process that ensures that the central administration maintains a District-wide list of LEP parents with student names identified by each school building as needing language assistance services, the type of language assistance services they need, and a log of the language assistance services provided to parents by central administration office by date, type of service, and service provider. To the extent that the information can be maintained and accessed electronically, the District will investigate those methods.
7. A process to ensure that, when the children of LEP parents transfer from one school to another within the District, information regarding the language assistance needs of the parents is transferred to the school to which the child transfers as the child's physical file transfers and the information is available 24

hours a day/7 days a week to the administration of the school via the District's student information database.

8. A process by which District staff that are likely to interact with an identified LEP parent are advised of the parent's 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 they might need (e.g., translation services or interpreter services), and the means by which they may timely obtain such assistance for the parent. Information will be accessible from the LEP lists provided to schools and central administration offices and access will be provided 24 hours a day/7 days a week through the District's student information database. Additionally, the District will employ other methods, such as, its customer service program to assist with training for staff on how to address the needs of parents who may require language assistance.
9. A process by which District staff may obtain, in a timely manner, appropriate, qualified translators or interpreters as needed.
10. A process by which the District will ensure that 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.
11. A process to ensure that interpreters have knowledge, in English and 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 terminology.
12. A process to ensure 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 the District or relevant community organizations to help determine whether a document is written at an appropriate level for the intended audience.
13. 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 family members and friends 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.

14. 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. At a minimum, the following vital written documents will be translated into the language of each frequently-encountered LEP parent group:
 - i. 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);
 - ii. documentation related to eligibility and placement decisions under Section 504 and IDEA;
 - iii. disciplinary notices and procedures;
 - iv. registration/enrollment forms, emergency notification forms and other forms most commonly used by the district to communicate with parents;
 - v. report cards and student progress reports;
 - vi. notices of parent-teacher conferences or meetings;
 - vii. parent handbooks and fact sheets;
 - viii. documentation regarding the availability of academic options and planning, including gifted and talented programs, alternative language programs, and counseling and guidance services; and
 - ix. screening procedures that request information from parents about the child's language background and the parents' preferred language for communication with the school.

D. Within 60 calendar days of receipt of the OCR-approved language assistance plan, the District will adopt and implement the plan.

Reporting Requirements: By December 15, 2014, the District will submit to OCR, for review and approval, a copy of the language assistance plan it has developed pursuant to the requirements of Item C above. Within 60 calendar days of receipt of the OCR-approved language assistance plan, the District will submit to OCR documentation demonstrating adoption and implementation of the language assistance plan developed pursuant to Item C, including but not limited to: the notification issued pursuant to Item C.1; information the District has maintained at its central office, pursuant to Item C.6; a list of LEP parents (including name and schools in which their children are enrolled), types of services that they require, and information as to any services provided to the parents by the central administration (including date of services, type of services, and name of service provider); the annual notice issued to staff; and copies of the documents the District has translated, including links to any translated communications available on the District's website. By December 15, 2015, the District and OCR will schedule an on-site visitation by OCR staff to at least five buildings identified by OCR, to occur when the District has been in plan implementation for at least 6 months. During the visitations, OCR will evaluate the schools' implementation of the terms of this agreement through interviews with District staff and review of documentation maintained by the school pursuant to Item C.5.

E. By February 15, 2015, the District will develop a written plan for the annual evaluation of the effectiveness of its language assistance plan, developed pursuant to Item C, above. The written evaluation plan will include the following:

1. Identification of staff responsible for evaluating the language assistance plan on an annual basis.
2. Identification of the date by which the evaluation will be completed on an annual basis.
3. 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 availability of information about LEP parents and the need for assistance District-wide and at schools; the frequency of encounters with LEP parents; the nature and importance of activities to LEP parents; the availability of translation and interpreter services, including technological advances and sources of additional resources, and the costs incurred; whether existing language assistance is meeting the needs of LEP parents; whether staff are aware of and understand the language assistance plan and how it is implemented, including their role, if any; and whether identified sources for language assistance are provided in a timely manner.
4. A process for determining whether new documents, programs, services and activities need to be made accessible for LEP parents, and whether the District needs to provide notice of any changes in services to LEP parents and to District staff.

- F. Within 60 calendar days of receipt of the OCR-approved evaluation plan, the District will adopt and implement the plan.

Reporting Requirements: By February 15, 2015, the District will submit to OCR, for review and approval, a copy of the evaluation plan it has developed pursuant to the requirements of Item 5 above. Within 60 calendar days of receipt of the OCR-approved evaluation plan, the District will submit documentation verifying it adopted and implemented the plan. By December 31, 2015, the District will submit to OCR documentation demonstrating the results of its evaluation of the District's implementation of its language assistance plan through the first half of the 2015-2016 school year, 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 of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. § 100.

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.

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 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.

/s/

11/24/14

Jack Martin, Emergency Manager
Detroit Public Schools

Date