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July 29, 2013

Mr. Michael Thurmond
Interim Superintendent
DeKalb County School District
1701 Mountain Industrial Boulevard
Stone Mountain, GA 30083

Re: Case #04-11-5002

Dear Mr. Thurmond:

This is to advise you of the resolution of the above-referenced compliance review that was initiated by the U.S. Department of Education (Department), Office for Civil Rights (OCR), against the DeKalb County School District (District) under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100. The compliance review focused on whether the District discriminates against national origin minority limited English proficient (LEP) parents by failing to adequately communicate with them and to ensure that they have meaningful access to school-related information that is provided to parents in English, in noncompliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3(a) and (b).

OCR had authority to initiate this compliance review under Title VI, which prohibits discrimination on the basis of race, color, or national origin in educational programs or activities that receive Federal financial assistance. As a recipient of Federal financial assistance, the District is subject to Title VI and its implementing regulations.

OCR's investigation examined evidence related to the following areas: (a) identification of LEP parents; (b) availability of interpreters/translators and written translations; (c) provision of trained and qualified interpreters/translators; (d) parental notice of language assistance; (e) staff notice on availability of language assistance; and (f) self-monitoring/effectiveness. The review included interviews with central and local District administrators and staff, parents, and local refugee agencies; an examination of reports and documents provided by the District or located on District websites; the Georgia Department of Education; and the U.S. Department of Health and Human Services. The team also reviewed and collected documents at local refugee agencies and school sites. Based on the evidence received, OCR has concluded that the District is not in compliance with Title VI in each area of this compliance review.

Applicable Legal Standards

Title VI and its implementing regulation, at 34 C.F.R. Part 100 prohibit discrimination on the basis of race, color or national origin. The regulation, at 34 C.F.R. § 100.3(a), states that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded

from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which this part applies.” The Title VI implementing regulation, at 34 C.F.R. §100.3(b), in relevant part, prohibits a recipient on the basis of national origin, from providing any service or other benefit to an individual that is different, or is provided in a different manner, from that provided to others under the program; subjecting an individual to segregation or separate treatment in any matter related to his receipt of any service or other benefit under the program; denying an individual an opportunity to participate in the program through the provision of services or otherwise affording a person an opportunity to do so that is different from that afforded others under the program.

Pursuant to its authority under Title VI, the Department issued a memorandum to school districts on May 25, 1970, entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin," 35 Fed. Reg. 11595, which provides that recipients have the responsibility to adequately notify national-origin minority LEP parents of school activities that are called to the attention of other parents, and that such notice in order to be adequate may have to be provided in a language other than English.

More recently, Executive Order 13166, *Improving Access for Persons with Limited English Proficiency*, reprinted at 65 Fed. Reg. 50121 (August 16, 2000), required that recipients of Federal financial assistance “take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.” The U.S. Department of Justice subsequently issued its Policy Guidance, *Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency* (June 18, 2002), which provides guidance to recipients of Federal financial assistance from DOJ about the method and manner (including translation and interpretation) for delivering information to LEP persons. OCR looked to the DOJ Guidance, including the four-factor analysis test outlined in the DOJ Guidance, as a resource document.

The four-factor analysis test to determine whether recipients are taking reasonable steps to ensure meaningful access of LEP individuals involves a balance of the following factors:

- 1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- 2) the frequency with which LEP individuals come in contact with the program;
- 3) the nature and importance of the program, activity, or service provided by the program; and
- 4) the resources available to the grantee/recipient and costs.

SUMMARY OF INVESTIGATION

Description of District

The DeKalb County School District is located in incorporated DeKalb County, Georgia, in Northeast metro Atlanta. The District operates public schools in areas of DeKalb County, not within the city limits of Atlanta and Decatur, Georgia. In 2010-2011, the District enrolled 95,481 students at 136 schools, including 90 elementary schools (PK or K–5), 21 middle schools

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(6-8), and 25 high schools (9-12). A total of 7,594 students were enrolled in the English for Speakers of Other Languages (ESOL) program, comprising approximately 8.0% of the District's total student population.¹ ELL students comprised 11% of total District enrollment. In the State of Georgia as a whole, ELL students represent 6% of the student population.² For the 2010-2011 school year, the District had the third largest percentage of ELL student enrollment in the State. The District provided OCR with ELL enrollment data for the 2011-2012 school year. According to the data submitted, there were 10,042 ELL students enrolled in the District, attending 122 schools. As of July 9, 2012, the District also identified 17,211 students at 134 schools as having a primary home language other than English (PHLOTE). In response to OCR's request for language information for ELL students and the languages of their parents, the District provided a list of 113 languages. Spanish represents the largest PHLOTE (55 percent), while Burmese, Nepali, Amharic, Somali, Arabic, Vietnamese, Non-American English,³ French, and Bengali represent the other top ten PHLOTE.

Identification of LEP Parents

At the outset of the investigation in 2011, the District reported that parents of students who are foreign-born or have a primary home language other than American-English (PHLOTE) were directed to the District's International Student Screening Center (ISSC), which provided a centralized registration process and ensured that LEP parents are identified. The District reported that it worked closely with various international and refugee agencies to direct parents to the ISSC to complete the registration process. Representatives from refugee agencies confirmed that they assist with registration; however, some reported delays in completing registration through ISSC. The District advised that the ISSC was staffed with interpreters who provided verbal and written translations. The District reported that two schools (Dresden Elementary and Sequoyah Middle School) in the District also served as satellite locations for registration due to the large population of students/families that need translation/interpretation services at those schools.

During the course of the investigation, OCR learned that as of the 2012-13 school year, the District had "decentralized translation and interpretation services" due to budget cuts and that local schools are currently responsible for registration and identification of LEP parents. The ISSC is no longer the central location for translation/interpretation services, or the initial registration/testing of ELL students, although the ISSC still houses the Lab Program and Intensive English Program.⁴ A representative from a refugee agency that regularly assists with registration stated to OCR that since July 16, 2012, the agency has had problems accessing language assistance services. The refugee agency representative who was interviewed by OCR stated that she was referred to the local schools instead of the ISSC for registration, and that

¹ ESOL student enrollment is a subset of ELL enrollment.

² Data published by the Georgia Department of Education at <http://archives.gadoe.org/ReportingFW.aspx?PageReq=102&StateId=ALL&T=1&FY=2011>

³ English spoken by people from countries other than the United States (e.g., India, Jamaica).

⁴ The Lab program is for students who are 13 years of age or older, with fewer than 7 years of formal schooling. This is a full day program, while the Intensive English Program is for students who have minimal English speaking abilities and are enrolled at their home school and spend part of their day at the ISSC.

when she went to the local schools many did not have the Home Language Survey (HLS) until September 2012, although the first day of school was August 14, 2012. The agency representative further stated that no interpreters were provided to assist with registration and that the HLS was provided in English only. She also stated that since the decentralization from the ISSC, there have been increased delays in registration and placement of students.

Use of the Home Language Survey

According to District administrators, the HLS is used at registration to identify LEP parents and students, and this information is entered into the District's Electronic Student Information System (eSIS) and Tienet⁵ computer system. District administrators affirmed that the schools use these systems to generate reports to identify languages of LEP parents and students in order to provide translation documents. The District also stated that they identify LEP parents based on daily interaction between staff, parents and students.

The District provided OCR with a copy of the HLS in English, Swahili, Spanish, Somali, Nepali, Kirundi, French, Chinese, Burmese, Bengali, and Amharic. When comparing these nine languages with the top ten PHLOTE according to the District, OCR found that the HLS was not translated into either Arabic or Vietnamese; the sixth and seventh most common PHLOTE in the District.

OCR found that the District's list of ELL/LEP parent languages for the 2011-2012 school year did not accurately reflect the languages of parents. For example OCR found that the list included "Chinese, and "Mandarin" listed as separate languages. In addition, the national origin of a parent was sometimes listed instead of the parent's language (e.g., "Iranian," "Persian," and "Pakistani").

When OCR requested that the District provide the District's total number of LEP parents, the District responded that it "does not keep track of the languages of parents and guardians but provides the required services as needed." Tienet, which was reportedly used to generate a LEP parent list in response to OCR's initial data request, is only used for students that receive ELL services or Special Education Services and thus, would not identify LEP parents whose students do not receive such services. Finally, although every student in the District has a record in the eSIS system, as noted above, the sample eSIS records reviewed by OCR did not contain complete and accurate information concerning languages spoken by parents.

Overall, teachers in the District stated during interviews with OCR that the ISSC identified LEP parents through the HLS, although they did not know how to access this information for their own use. Many teachers stated that they did not know who the LEP parents were unless they asked their students, called the home or the parent came into the School.

Although the District stated the HLS and eSIS and/or Tienet computer systems were used to identify LEP parents, and some questions on the HLS and eSIS indicated that attempts were made to collect this type of information, OCR found that the information was not consistently or

⁵ Tienet is the District's English Language Learners (ELL) and Special Education Student Management System
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reliably input into the District's computer systems and that use of Tienet was not a reliable means for identifying LEP parents since Tienet reflects only students receiving ELL or special education services. OCR also found that teachers were not provided information that would put them on notice of a need to arrange for services and assistance for LEP parents.

Similarly, inconsistencies in the identification of languages of the ELL students/LEP parents that appeared to confuse national origin with language prevent the District from appropriately assessing the basic characteristics and language needs of its LEP population. OCR found that due to the ISSC closure as the centralized location for registration and identification of LEP parents, inconsistencies and delays in registration and the identification of LEP parents increased for the 2012-2013 school year. Nevertheless, on July 22, 2013, the District confirmed that the process for recentralization of its interpretation and translation services, is underway for the upcoming 2013-2014 school year. The District's recentralized process includes opening a new Welcome Center and hiring additional interpreter staff for the registration of ELL students and identification of LEP parents.

Notice to LEP Parents

The District initially reported that it notified LEP parents of its procedure for obtaining language services at the ISSC. The ISSC was staffed by interpreters who assisted the parents and students with registration. During the initial registration process, parents and students were provided with a "Welcome" packet with information. The Welcome packet includes a translation card, the District's phone number, a guide to study and test-taking skills, a "frequently asked questions" list, an academic year calendar, and the District's website. The District reported that the translation card informs parents of their rights to interpretation services in their native languages. The District provided copies of the translation card in English, Burmese, Bengali, Nepali, Spanish, Amharic, Mandarin, Somali, Vietnamese, French and Swahili. When comparing these ten languages with the top ten PHLOTE according to the District, OCR found that the translation card was not translated in Arabic; the sixth most common PHLOTE in the District. Besides the translation card, the District did not provide any other information that indicated it publishes a notice informing parents of their right to free translation and interpretation services.

The majority of the parents interviewed by OCR stated that they had not been informed about the District's language assistance services nor were they aware that the District had a legal obligation to provide them with the services. Some of the parents stated that because they were not aware of the District's obligations they did not request the services. Many of these parents chose to provide their own interpreters or translators (their child, other family members or friends) or relied on the refugee agencies. Some parents stated that they sought help from school officials, but were told that the services were unavailable.

In summary, OCR found that for the 2011-2012 school year the ISSC was the main location responsible for informing parents of their right to translation and interpretation services. Likewise, the majority of District staff interviewed identified the ISSC as the main location where LEP parents would be notified of their rights to interpretation and translation services. However, during the course of the review, OCR learned that for the 2012-13 school year the

ISSC was no longer the centralized location for language assistance services due to budget cuts and that the local schools were responsible for notifying parents.

Thus, during the 2012-2013 school year, the District placed the responsibility on each school to provide notice to LEP parents regarding the availability of language assistance services. For the upcoming 2013-2014 school year the District is recentralizing its language assistance services for LEP parents, and notice will be provided at the District level.

Availability of Interpreters and Written Translations

Sources of Interpretation and Translation Services

During the course of the investigation the District laid off all of its interpreters as part of the District's budget cuts in June 2012. The District's "Action Plan" to provide translation and interpretation services for the 2012-2013 school year stipulates that schools provide these services through their local budgets, by utilizing the Language Line, outsourcing services with former district interpreters or agencies, and hiring of bilingual staff members. During the 2012-2013 school year, the ISSC was no longer the centralized location for such requests for translation or interpretation services. As discussed above, for the 2013-2014 school year, the District is recentralizing its language assistance services for LEP parents.

ELL Services are described on the District's ELL Studies Program website, which can be found at <http://www.dekalb.k12.ga.us/english-language-learners>. Their procedures describe how interpreters are available when needed at District and school events, including, but not limited to, parent-teacher association meetings, parent-teacher conferences and other student-specific meetings such as eligibility and placement meetings under Section 504 and IDEA, disciplinary hearings, board of education meetings, and other District-wide or school events, including, but not limited to, ceremonial events. The website does not reflect the 2012-2013 change in procedures about the ISSC no longer being the centralized location for translation or interpretation services.

When interviewed by OCR, the ISSC Counselor stated that if necessary, they would make an attempt to find an interpreter outside the District through other agencies, or using TransAct for translation/interpretation services. TransAct is a web service that provides many Title III, NCLB, general school notifications and other documents translated into various languages that can be copied and distributed to ELL students and LEP parents. Contract interpreters provided services, as needed, for some 170 different languages. The District and ISSC Director reported that the District also uses the Language Line, which provides telephone interpretations upon request in 180 different languages.

The District denied that there were any circumstances in which students, family members, or friends of LEP parents/guardians were used for translation services. Interviews with LEP parents and an ISSC Counselor contradicted this assertion.

Procedures for Responding to Requests for Services

Due to the District's budget cuts in June 2012 and pursuant to the District's decentralization of its language assistance services, schools provided translation and interpretation services through their local budgets during the 2012-2013 school year. For the 2013-2014 school year, the District is in the process of recentralizing its language assistance services.

Previously, during the 2011-12 school year, under the District's centralized process for language assistance services, formal requests for services were funneled through the ISSC. Schools were required to send all requests for interpretation and translation services to the ISSC, via email, where ISSC personnel processed and logged requests into the Interpretation and Translation electronic data log. Email requests were followed by a hard copy of the Interpretation/Translation Request Form filled out completely and signed by the school principal or his/her designee.

The District's past practice required requests for written translations to be submitted a week in advance. Requests for oral interpretation at meetings were to be submitted at least four days prior to the date of service to allow time to assign and schedule the interpreter.⁶ After the requests were logged, an interpreter was assigned to do the interpretation or translation based on the language requested. The name of the interpreter, the language, type of service, requesting party, date of request, and date and time of the event were also logged into the data file. Upon completion of the interpretation or translation, the date of completion was logged to ensure that all requests are fulfilled. Copies of translated documents were saved electronically and hard copies were permanently filed in binders at the ISSC. Per the procedures, if schools called the ISSC for interpretation/translation requests, the ISSC sent them the form that the schools needed.

The District provided a copy of its "Guidelines for Language Line Usage." It was reserved for emergencies or if an in-house interpreter was unavailable. Schools were required to keep a log of Language Line usage. Every school had a maximum of 200 minutes per month (schools with international students have 10 minutes base plus a 10 minute increase for every 20 international students in the building). Upon request and special circumstances, additional minutes could be allocated by the ELL Department. The written procedures emphasize the expense of the service and state that any additional minutes used are the responsibility of the local school.

Language Line services were paid through monthly invoices that detail usage of the services. Translation agencies were paid per job completed upon receipt of an itemized invoice from the District agency. The District provided information from each translation agency and their interpretation rates. During the 2012-13 school year, when the District decentralized language assistance services the District's Language Line account was deactivated for school usage. Nevertheless, the District confirmed that for the 2013-14 school year the District's Language Line account was reactivated and they are reinstating the processes that used to be in place, rather than having individual schools have an account and pay for their use of Language Line.

Based on the interviews at a sampling of the District's schools, it was apparent that there was a lack of consistent knowledge. Some schools had staff interpreters who would visit the school on

⁶ As noted in the "Notice to Staff" discussion below, there were some inconsistencies in the information provided to staff concerning the time frames for requesting interpreter services.

a scheduled day, but most did not. Some front office personnel knew of the District's procedures for requesting translation/interpretation services, while others did not. A few school representatives described how District interpreters were provided at the parent orientation/curriculum night.

All schools reported utilizing bilingual staff members for emergency, quick, or basic translation needs, but would send more formal requests through the ISSC or use the Language Line in an emergency. However, several teachers shared that they were instructed that the Language Line was to be used only in emergencies. One school representative acknowledged using students to translate simple things. Another school representative disclosed that they were initially informed of interpretation/translation procedures in anticipation of OCR's onsite interviews. She noted that prior to OCR's onsite visit, there had been no training on the ISSC's procedures or resources.

One School's Section 504 Coordinator described a conundrum she faced with regards to the District's translation procedures. In particular, she said the ISSC did not provide translators if meetings are less than an hour. Frequently, Section 504 and SST meetings do not last an hour; however, when translation services are utilized, it can easily extend the meeting to an hour. More than 90 interviews were conducted with LEP parents from the schools OCR randomly sampled. In reviewing the totality of the interviews, it is clear that there is a lack of consistency in the District's handling of services to the LEP population. Not only is there a lack of consistency between schools and a lack of consistency between the various languages serviced, but there is even a lack of consistency within schools and even amongst parents who speak the same language.

OCR also conducted interviews with refugee agencies that provide services to LEP parents residing within the District. These refugee agency representatives informed OCR that the District often contacts them for translators that will be needed at meetings, such as 504 or eligibility related, and schools often tell them that the refugee agency would have to provide the translator, since the school cannot do so. Refugee agency representatives stated that for the 2012-13 school year they received increased communications directly from District teachers requesting translation assistance because they were told that translators were not available and they are not permitted to use the Language Line. Refugee agency representatives stated that meetings have been delayed due to the schools having difficulty finding translators. As noted above, recentralization of language assistance services is underway for the 2013-14 school year.

Written Translations

The District informed OCR that forms and parental notices that are common across the District have been translated and made accessible to schools. For example, the Parental Rights for Special Education has been translated into several languages, including Spanish, Korean, and Vietnamese. District personnel determine which documents need to be translated based on state and federal requirements. Individual schools can request translations of documents that are specific to the students in their respective schools and interpreters assigned at District schools also develop translations, when needed. The District stated that personnel who lead special

education meetings with parents provide documents, such as Parental Rights, in the parents' native or primary language in accordance with IDEA.

The District stated that prior to the decentralization of language assistance services staff could obtain translations by completing and submitting a "Translation Request" via email to the Interpretation and Translation Coordinator at ISSC. For quality assurance, the District stated that translations were tracked in an electronic data log. Translations that exceeded expected or acceptable timeframes could result in interpreters or agencies not receiving assignments in the future. The District stated that the accuracy of translations was checked using readers proficient in the native language before they were sent back to the school making the request.

Additionally, the District reported that TransAct, a web service, provides many Title III, NCLB, general school notifications and other documents translated into various languages that can be copied and distributed to LEP parents.

District representatives stated that District personnel and school staff are provided procedures for making interpretation/translation requests and the procedures are in the ELL handbook and website. Principals are reminded at administrator meetings of these procedures and prior to elimination of the interpreter position, assigned school interpreters informed staff of procedures and services at the beginning of school meetings.

In response to OCR's request for data and information, the District stated that the translated documents used by the District and school sites to notify LEP parents/guardians of the District's activities, include, but are not limited to:

- procedures related to parents' rights to receive procedural safeguards in the context of providing children with disabilities a free appropriate public education;
- disciplinary notices and procedures;
- registration/enrollment forms, emergency notification forms;
- report cards and student progress reports;
- parent-teacher conferences or meetings;
- parent handbook and fact sheets;
- academic options and planning, including gifted and talented programs, alternative language programs, and counseling and guidance services;
- screening procedures that request information from parents about their child's language background and the parents' preferred language for communication with the District

The District provided copies of approximately 56 documents that had been translated into various languages. The documents provided to OCR were arranged into two subject matters: special education documents and student relations documents.

Based on the documents the District provided and parent interviews, it is clear that many important documents, including the parent/student handbook, discipline referral and hearing forms, and special education materials are only translated into Spanish. Parents reported generally utilizing their children or friends to translate documents or did not receive much communication from the schools. While some schools reported that they have their own bank of

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translated documents, they may not be shared with the entire District since the translated documents provided to OCR were limited to Russian, Korean, Vietnamese, French, and Amharic.

During onsite interviews, several school staff stated that documents related to 504/IEP meetings were not translated in the LEP parent's language, such as notices for meetings, Plans and parental rights. Additionally, one counselor at Freedom Middle School stated that the student handbook that contains the discipline policies that parents must sign is only in English; and the diploma choice forms regarding curriculum and college prep are provided to ELL students and LEP parents in English-only.

Refugee agency representatives informed OCR that the LEP parents they serve often bring them notices sent home from the District in English to translate. They further stated that recently some of the LEP parents from Clarkston High School were sent home truancy notices in English, and that the free and reduced lunch form application that many of their families rely on was only available in English and Spanish, causing some LEP parents to be billed erroneously.⁷ Finally, one refugee agency provided a copy of a recent notice sent home only in English to LEP parents and ELL students aged, 19, 20, and 21, asking them to transfer to another school to complete their graduation requirements.

In summary, OCR found that there was a lack of consistency across the sampled schools in regard to the availability of written translations for documents used by the District. The pool of written documents that have been translated into different languages is limited, and varies from school to school. Interviews with parents in the District demonstrated that the District is deficient in translating written documents as many parents reported documents being sent home that were in English only and having to rely upon their children or friends to translate the documents for them.

Provision of Trained and Qualified Interpreters

The District reported that its former interpreters/translators, which were on staff prior to the District's decentralization of its language assistance services, were required to have an associate's degree or comparable level of studies, with at least some courses taken in the language for which they were employed. While the District reported that the language proficiency of the staff interpreter/translator was assessed either by the ISSC Director, who is Spanish speaking, or by an outside agency, for languages other than Spanish, several of the District's staff interpreters/translators indicated that their language proficiency had never been assessed. With regard to members of the interpreters' pool (bilingual staff employed in other full-time positions), the District stated that these individuals are recommended by their respective school principals, and while many are native speakers, their language proficiency also is not assessed. Finally, bilingual staff, who are neither staff interpreters/translators nor members of the interpreters' pool, and who informally provide language assistance services to LEP parents, reported that their language proficiency has never been assessed by the District.

⁷ OCR's review of the form at the District's website at <http://www.dekalb.k12.ga.us/school-nutrition> found that there was an English and Spanish version, but when you attempt to click on "other languages" an error appears.

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The District reported that in March 2010, staff interpreters/translators attended and completed training conducted by the University of Georgia (UGA). The UGA training was a 50 hour class called the Professional Interpreter Certificate Program for the Education Setting, which was designed for bilingual teachers and administrators. While the training included some specialized language content, Spanish was the only language covered. The training was not provided to members of the interpreters' pool or to other bilingual staff who informally provide language assistance services to LEP parents. Other than the UGA training in 2010, the District did not report providing any other formal training to its staff interpreters/translators.

The District reported that its former staff interpreters/translators attended monthly meetings where they addressed topics of interest, including specialized language terminology. While some members of the interpreters' pool reported attending some workshops at the ELL Department, members of the interpreter's pool and other bilingual staff who informally provide language assistance services generally reported that they have not received any training on specialized language terminology, the ethics and role of an interpreter or the need to maintain confidentiality. School faculty and staff, however, maintained that parents have not complained about inaccurate information relayed through the provision of language assistance services, and parents interviewed confirmed having no complaints about the proficiency of the interpreters/translators.

Overall, OCR's review revealed that while the language proficiency of some Spanish staff/translators interpreters was assessed, the District generally did not assess the language proficiency of individuals who provide language assistance services to LEP parents. Currently, for the 2013-14 school year, the District's recentralization of its language assistance services is underway, including the hiring of additional interpretation/translation staff.

Notice to Staff

As noted throughout this letter, initially, the District reported a centralized system for notification of staff regarding the procedures for obtaining language assistance for LEP parents.⁸ Specifically, the District explained that staff at the District's ISSC, including the Director, an ISSC Interpreter, the ELL Counselor, and the ELL Instructional Coaches provided annual training to top school administrators and staff, including principals, lead ELL teachers and lead counselors, on the procedures, and these top level administrators and staff disseminated the information they received from the ISSC to other staff at their schools, including teachers, counselors and ESOL teachers. Similarly, the District reported that ISSC staff interpreters/translators assigned to specific schools provided training on the availability of language assistance services for LEP parents to staff at their individual schools.

The District also reported that the procedures for obtaining interpretation and translation requests were included in the District's ELL Handbook, also available online at ESOL Update. A review of the ELL Handbook for the 2010-2011 school year reveals generally that the ISSC provided

⁸ Since the District's decentralization of language assistance services, for the 2012-2013 school year, the District reported that local schools are now responsible for the provision of language assistance services to LEP parents. For the 2012-13 school year, the District has not provided any further information regarding how the local schools are carrying out this new responsibility, including the notice to staff regarding the available services.

“formal and informal interpretations by District teachers, paraprofessionals, interpreters, and community agencies for the following activities: registration process, conference calls, parent/teacher conferences, SST meetings, psychoeducational testing, special education meetings, and evaluation of international students’ transcripts.” The Handbook also directed ELL staff to complete and submit an “Interpretation/Translation Request Form” electronically to the ISSC Interpreter. The ELL Handbook further explained that interpretation requests had to be submitted at least 4 days in advance depending on the language, and an authorized administrator had to approve the request. At the same time, however, the ELL Handbook provided that requests for interpretations had to be submitted a minimum of one week prior to the services requested and requests for translation should be submitted at least two weeks in advance. Finally, the ELL Handbook also explained that language line services were available at each school and the State’s Transact Program contains school related forms translated into 22 languages.

Interviews with school staff revealed that the District’s centralized approach for notification of staff about the availability of language assistance services to LEP parents failed to successfully disseminate the information to all District individuals who have constant interaction with LEP parents and who require these services for communication with these parents. Specifically, while some principals acknowledged that ISSC staff provided them with information about the availability of language assistance services during annual leadership meetings, some principals reported not receiving this information. All principals reported that during these leadership trainings they were not provided written notification of the available services. In addition, most lead ELL and counseling staff admitted receiving some relevant information from ISSC staff at some point during their tenure; however, not all school counseling and ELL staff were aware of the available language assistance services. Further, while some ELL staff acknowledged learning general information about the provision of language assistance services from the ELL Handbook, some reported that the ELL information and trainings they received focused on services for ELL students and provided minimal information on language assistance services for LEP parents. While some teachers reported receiving some information about the availability of language assistance services from principals, counselors and/or ELL teachers during pre-planning sessions, many reported never receiving any notice or training regarding available services. In fact, many teachers, in addition to other staff such as some front office assistants and registrars, reported being unaware of the District’s available language assistance services, including any written procedures on the same, prior to participating in meetings with District staff in anticipation of OCR’s onsite interviews.

Self-Monitoring/ Effectiveness

For formal interpretation/translation requests made through the ISSC, the District maintained a log of requested interpretation and translation services. The District does not have a tool for assessing the effectiveness of the services provided. Interpreters and translators confirmed that they were not aware of an evaluation tool used by teachers or parents to evaluate the effectiveness of translation/interpretation services. However, they stated that permanently-placed interpreters were evaluated by school principals on an annual basis. Individuals in the interpreters’ pool were not aware of ever being evaluated. Most teachers reported that they have never completed written surveys evaluating the services, nor have they been contacted by school

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principals or District staff regarding those services. Teachers stated that LEP parents seem generally pleased with the services received, and have not complained about the quality of those services. Most LEP parents who received services confirmed that they were satisfied with the services provided. However, they had never been given any surveys regarding the use or effectiveness of those services.

Analysis and Conclusion

OCR found that the District is not in compliance with Title VI with respect to the six areas investigated.

In regard to the identification of LEP parents, schools and districts must identify LEP parents and provide assistance to these parents once identified. Such efforts may include home language surveys, interaction between parents and staff, and taking into account that ELL students, whom districts have an obligation to identify, also may have LEP parents. OCR found that the District was not consistently identifying LEP parents and that teachers were not provided information that would put them on notice of a need to arrange for services and assistance for LEP parents. OCR found that the District was not appropriately identifying the language needs of its LEP parent population and that the District's ISSC closure in SY 2012-13 as the centralized location for registration and identification of LEP parents, further increased the inconsistencies and delays in registration and the identification of LEP parents.

In regard to parental notice of language assistance, once a district determines that it needs to provide language assistance to LEP parents, the district must notify the LEP parents of the availability of these services and that they are free of charge. The notice of the availability of the language assistance services must also be provided in a language that the parents will understand. Parents interviewed by OCR stated that they had not been informed about the District's language assistance services nor were they aware that the District had a legal obligation to provide them with the services. The District's "action plan" (for the 2012-13 SY) to decentralize the provision of language assistance services offered no guidance on how the District will ensure that individuals who provide language assistance services are trained or qualified to provide these services to LEP parents.

In regard to the availability of interpreters/translators and written translations, in order to *adequately notify* LEP parents of school activities which are called to the attention of other parents and provide *meaningful access* to their programs and activities by LEP parents, districts may have to provide notices and other items of communication in a language other than English. OCR gives districts discretion concerning how they attempt to provide language assistance to LEP parents and does not prescribe a specific language assistance measure that a school district must adopt. OCR found that most schools did not have staff interpreters who would visit the school on a scheduled day; therefore, bilingual staff members or the language line would be used in an emergency and, in some instances, students were used to provide translation services. OCR also found that the District's schools have often told refugee agencies representing parents at meetings, such as 504 or eligibility related, they would have to provide the translator, since the schools could not do so. OCR found that the pool of written documents that have been translated into different languages is limited, and varies from school to school. Many LEP parents reported

that documents were being sent home that were in English only and they had to rely upon their children, friends and others to translate the documents for them.

In regard to the provision of trained and qualified interpreters/translators, districts are expected to provide language assistance for LEP parents effectively, with appropriate, competent staff or appropriate and competent outside resources. It is not sufficient for the staff to be merely bilingual; rather, bilingual staff must be appropriately qualified. Formal certification as an interpreter is helpful, but not required. Districts should request information about the certification, assessments taken, qualifications, experience and training of interpreters and translators. Furthermore, interpreters and translators should have knowledge in both languages of any specialized terms or concepts, and understand the expected reading level of the audience. Interpreters and translators should be provided training on ethics and the importance of maintaining confidentiality. OCR found that the District generally does not assess the language proficiency of individuals who provide language assistance services to LEP parents and does not provide any training to them.

In regard to notifying staff notice about the availability of language assistance, districts should provide meaningful access for LEP parents by informing school staff about the procedures for obtaining language assistance services. Training staff members who have direct contact with LEP parents about the procedures for obtaining assistance for LEP parents may also be necessary to provide meaningful access. OCR found that the District's centralized approach for notification of staff about the availability of language assistance services to LEP parents failed to successfully disseminate the information to all District individuals who have constant interaction with LEP parents and who require these services for communication with these parents.

In regard to self-monitoring/effectiveness, OCR does not prescribe a specific language assistance system that a school district must adopt. However, a district may violate Title VI if it does not take reasonable steps to ensure that its chosen approach is implemented in a manner that gives LEP parents meaningful access to school-related information. OCR found that the District does not have a system for assessing the frequency and ensuring the effectiveness of the interpreter and translation services it provides to LEP parents.

Resolution

On June 27, 2013, in order to resolve the areas of noncompliance identified by OCR, the District signed the enclosed voluntary resolution agreement which requires the District to carry out the following actions: (a) develop and submit to OCR for review and approval a written plan to provide language assistance to LEP parents/guardians that ensures that they have meaningful access to the District's programs and activities; (b) develop and submit to OCR for review and approval a written plan to ensure identification and provision of services to ELL students; (c) train its staff on its policy and procedures for effectively communicating with LEP parents; (d) utilize a trainer, qualified in addressing cultural sensitivity issues, to train staff on the impact of ethnic and cultural differences on effective communication and the importance of cultural sensitivity in communicating with LEP parents; and (e) develop and submit to OCR for review and approval a written plan for the annual evaluation of the effectiveness of its language assistance plan.

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When this agreement is fully implemented, all issues of noncompliance found by OCR in this review will be resolved consistent with the requirements of Title VI. OCR will monitor the implementation of the agreement and the District's actions to ensure compliance with Title VI.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Under the Freedom of Information Act, it may be necessary to release this letter and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

OCR wishes to thank you and your staff for the extensive cooperation and courtesy extended to OCR during the course of this review OCR and your willingness to partner with OCR to ensure that the District is in compliance with Title VI. If you or your staff has any questions regarding this matter, please contact Mr. Timothy Noonan, Compliance Team Leader, at (404) 974-9394.

Sincerely,

/s/

Cynthia G. Pierre, Ph.D.
Regional Director

Enclosure