



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS – REGION VII

February 4, 2013

J. Douglas Mann, Esq.
Rosenstein, Fist & Ringold
525 South Main, Suite 700
Tulsa, Oklahoma 74103

Re: OCR Docket No. 07105002

Dear Mr. Mann:

This letter is to notify you of the determination made by the U.S. Department of Education (Department), Office for Civil Rights (OCR), regarding OCR Docket No. 07105002. In this compliance review, which OCR opened on March 31, 2010, OCR assessed whether the Tulsa Public Schools (District), Tulsa, Oklahoma, discriminate against limited English proficient (LEP) parents and guardians by failing to ensure they have meaningful access to information that is provided to parents and guardians in English. This letter confirms the voluntary resolution of the compliance review.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance (FFA). As a recipient of FFA from the Department, the District is subject to Title VI.

OCR investigated whether the District violated the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), which provides, in relevant part, that recipients of Federal financial assistance may not, directly or through contractual or other arrangements, on the ground of national origin, exclude persons from participation in their programs, deny them any service or the benefits of their programs, or subject them to separate treatment. Specifically, the Title VI implementing regulation, at 34 C.F.R. § 100.3(b)(2), provides that, in determining the types of services or benefits that will be provided, recipients may not utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their national origin.

Pursuant to the regulation, the District has an obligation to ensure "meaningful access" to its programs and activities to LEP parents. Specifically, under Title VI, the District 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 terms "adequately notify" and "meaningful access" means that parents who are LEP - based on their ability to read, speak, write, or understand spoken English - are not to be excluded from, or denied the benefits of, the District's programs and activities.

8930 WARD PARKWAY, SUITE 2037, KANSAS CITY, MO 64114-3302

www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The District is the second largest school district in Oklahoma, serving approximately 41,000 students. During the 2009-2010 school year, the District served a total of 6,412 English language learner (ELL) students. Approximately 93% of the District's ELL students speak Spanish. The other predominant languages spoken by the District's ELL students are Hmong, Vietnamese, Arabic, Portuguese, Truka and Urdu.

The information obtained during OCR's investigation indicates that the District did not have written policies or procedures for responding to parent requests for documents in languages other than English or requests for a foreign language interpreter. The District did not consistently track or keep records regarding which parents in the District are LEP, requests from LEP parents for translation or interpreter services, and translation/interpreter services that it has provided to LEP parents. OCR's preliminary investigation indicated that the District did not have a set process in place for notifying LEP parents that it has interpreters and translators available for school-related communications; OCR also noted that students sometimes serve as interpreters for their parents or other students' parents. The investigation also suggested that the District did not consistently evaluate or assess the language skills of the District and non-District employees it uses as interpreters and translators and did not provide training to its foreign language interpreters and translators regarding the role of an interpreter/translator, the ethics of interpreting and translating, and the need to maintain confidentiality. OCR also noted that the District does not consistently provide LEP parents who speak languages other than Spanish with access to the same information that the District provides to English-speaking parents.

Prior to the completion of OCR's investigation, the District submitted a signed agreement (copy enclosed) on January 28, 2013, that when fully implemented, will address the issue assessed in this compliance review. The agreement requires the District to develop a written plan to provide language assistance to LEP parents. The plan will include processes for:

- notifying LEP parents and guardians, in a language they will understand, of the availability of free language assistance services with respect to information about school programs and activities;
- identifying LEP parents and guardians who may need language assistance;
- ensuring that each school building documents in a database the LEP parents and guardians identified as needing language assistance services;
- ensuring that the central administration maintains a District-wide list of LEP parents and guardians identified by each building as needing language assistance services;
- ensuring that each school and the central administration office document the language assistance services provided to LEP parents and guardians;

- ensuring that when the children of LEP parents/guardians transfer from one building to another within the District, information regarding the language assistance needs of the parents/guardians is transferred to the building to which the children transfer;
- advising District staff who are likely to interact with LEP parents and guardians about how to timely obtain language assistance for the parents and guardians;
- ensuring that the interpreters and translators the District uses are proficient in the languages spoken by students and parents/guardians in the District, are competent to provide interpretation and translation services, and are appropriately trained; and
- 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..

The agreement also requires the District to evaluate the effectiveness of its Language Assistance Plan, provide annual training to District administrators and staff members about the District's procedures for identifying and providing language assistance to LEP parents and guardians, and provide annual training to District employees who serve as foreign language interpreters and/or translators for LEP parents and guardians about the role of an interpreter/translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

OCR will monitor the implementation of the agreement and the District's actions to ensure the District's compliance with Title VI. The District has agreed to provide data and other information in a timely manner in accordance with the reporting requirements of the agreement. OCR will conduct additional visits and request additional information as necessary to determine whether the District has fulfilled the terms of the agreement and is in compliance with Title VI with regard to the issues in the review. Should the District fail to fully implement the agreement, OCR will take appropriate action to ensure the District's compliance with Title VI, including possibly initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the 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.

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 document and related records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information which, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

Page 4 – J. Douglas Mann, Esq. – 07105002

OCR is committed to prompt and effective service. If you have any questions regarding this letter, please contact Kelli Douglas, Supervisory Attorney, at (816) 268-0564 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by e-mail at kelli.douglas@ed.gov.

Sincerely,

/s/

Angela M. Bennett
Director

Enclosure

cc: Janet Barresi
State Superintendent of Public Instruction