

**Resolution Agreement**  
East Side Union High School District  
OCR Case Number 09-15-1253

The East Side Union High School District (District) agrees to implement this Resolution Agreement (Agreement), without admitting to any violation of law, to voluntarily resolve the issues in the above-referenced complaint. The complaint was investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964.

## **I. Plan for Oral Language Assistance**

The District will develop and fully implement policies and procedures to provide oral language assistance services upon request to limited English Proficient (LEP) parents of students all schools in the District which ensures that they have meaningful access to important information about their children's education program. The plan will include the following:

- A. A process for identifying LEP parents who may need language assistance services.
- B. A list of staff members at each school that are currently qualified to provide oral interpretation, the languages they speak, and their days/hours of availability.
- C. A description of how schools will annually determine whether any additional interpreters are needed to effectively meet the language assistance needs of the LEP parents at each school.
- D. A description of how site staff members will ensure effective oral communication with Spanish-speaking LEP parents for parent-staff contacts such as disciplinary meetings, walk-in visits, telephone calls to and from parents, back-to-school night, meetings with administrators, and parent/teacher conferences.
- E. A description of how School site staff will ensure effective oral communication with LEP parents who speak low-incidence languages.
- F. Procedures for ensuring that:
  1. all school site and District-level employees who provide oral interpretation services to parents at the School are qualified to do so and have demonstrated their ability to engage in oral communication correctly and effectively in both English and the target language, and have been trained as required in Section III of this agreement; and
  2. all school site and District-level employees who provide oral interpretation for parents of students at disciplinary meetings or hearings are familiar with and understand basic disciplinary terms and concepts, and are able to communicate

correctly and effectively in English and the target language about the terms and concepts.

- G. A description of how schools will regularly notify LEP parents of the availability of oral language assistance services and the procedure parents should follow to request these services.
- H. A process for regularly informing staff about the right of LEP parents to oral language assistance services and the process staff should follow to obtain these services.
- I. A process for a periodic review by the school sites to ensure that its oral language assistance services are effective in providing meaningful access to important information to LEP parents and are consistent with the terms of the plan.

## **II. Plan for Written Language Assistance**

The District will adopt and fully implement policies and procedures to ensure that LEP parents and guardians consistently receive meaningful access in a language they can understand to written information that is provided to English-speaking parents and guardians. The policies and procedures will include the following:

- A. How the District and school sites will identify LEP parents and guardians who require written translation to understand communications from the school or District.
- B. The procedures for translating written documents, such as discipline; special education and Section 504, academic programming including honors, Advanced Placement, Gifted and Talented Education and other accelerated academic programs, grades, academic progress, attendance, graduation, and other important information that will be regularly translated, and the language(s) for which translation will be provided.
- C. The procedures that administrators and staff will use to obtain translation of District and school site-level documents.
- D. The procedures for providing meaningful access to written District and school site information for written documents that are not routinely translated and low-incidence languages that are less widely spoken in the District.
- E. The procedures for ensuring that the individuals who provide translation for the District and school sites are competent, appropriately trained, and have demonstrated their ability to communicate effectively in English and the target language.
- F. A description of how school sites will regularly notify LEP parents of the availability of written translation services and the procedure parents should follow to request these services.

### **III. Staff Training**

- A. The District will develop plans for initial and ongoing training of all school site and District staff that provide oral interpretation and/or written translation for parents at the School. This training will include instruction in the following areas:
  - 1. The language services plan described in Sections I and II.
  - 2. The role of the interpreter in communication with LEP parents and the protocol and ethics of interpretation, including the need to maintain confidentiality.
  - 3. The specialized terms or concepts that will be used in the activities in which the employee will be providing interpretation, specifically including terms used in the student discipline process.
  - 4. That generally, it is not appropriate to use family members and friends, including students or other children, for the provision of interpretation except in emergency situations, that the use of such individuals may raise issues of confidentiality or other concerns, and that even though LEP parents/guardians may voluntarily bring their own interpreter, the District may still need to provide an interpreter to ensure accurate interpretation of important information.
  - 5. That generally, the District will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration.
- B. The District will develop a plan for initial and ongoing training of all District employees who will provide written translation of documents, including training in the terms and concepts used in the student discipline process.

### **IV. Individual Remedies**

- A. The District will provide the Student and the complainant written notice in English and Spanish of the Student's option to reenroll immediately at the School.
- B. The District will provide the complainant with documentation in Spanish explaining the District's decision to transfer the Student to another high school in fall 2014.
- C. The District will expunge the Student's discipline record with regard to the incident at issue in this case, and send the Student a letter notifying him that his record has been expunged based on this OCR complaint.

### **V. Monitoring and Reporting**

- A. By December 18, 2015, the District will submit a draft Plan for Oral Language Assistance for the School described in Section I to OCR for review and comment. Within

60 days of receiving OCR's approval, the District will finalize and implement the Plan for Oral Language Assistance.

- B. By December 18, 2015, the District will submit a draft of its plan for translation of documents for LEP parents described in Section II to OCR for review and comment. Within 60 days of receiving OCR's approval, the District will finalize and implement the plan.
- C. By February 18, 2016, the District will submit to OCR its plans for staff training as described in Section III.A and III.B above, including copies of the training materials and the names and positions of the trainer(s). Within 20 days after completion, the District will provide OCR with documentation that the training has been completed. This documentation is to include the date(s) of the training and a list of staff participants.
- D. By November 17, 2015, the District will provide OCR with copies of the documentation issued to the Student and the complainant pursuant to Section IV A., B., and C.

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 the regulations implementing Title VI at 34 C.F.R. Part 100, which was at issue in this case.

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 the regulation implementing Title VI at 34 C.F.R. Part 100, which was at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/ \_\_\_\_\_  
\_\_\_\_\_  
Superintendent or Designee  
East Side Union High School District

11/13/2015  
\_\_\_\_\_  
Date