

RESOLUTION AGREEMENT
Huntington Beach City School District
OCR Complaint No. 09-21-1016

To resolve the findings of noncompliance made by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Huntington Beach City School District (District) pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulation, 34 C.F.R. Part 100, the District agrees to take the actions in this Resolution Agreement (Agreement).

- I. By April 30, 2023, the District will develop and provide to OCR a procedure to ensure that information about school programs, services, and activities that is called to the attention of other parents is provided to parents¹ with limited English proficiency (LEP) in a language they understand. The procedure will ensure meaningful access for LEP parents to written and oral District- and school-level communications of essential information about any program, service, or activity of the District that is called to the attention of non-LEP parents. The procedure will require timely and accurate Spanish translations of essential information and qualified Spanish interpreters to communicate essential information orally to LEP parents. The procedure also will specify how the District will communicate essential information to LEP parents from lower incidence language groups in a language they can understand. The procedure will include, but not be limited to:
 - a. A provision requiring the District to ask parents at the start of each school year in a language they understand if they need translated materials and/or qualified interpreters and to record the language needs of parents in its student information system.
 - b. A provision requiring the District to provide written translations of all notices and documents containing essential information in Spanish.
 - c. A provision requiring the District to provide written or oral translations of notices and documents containing essential information in all other languages requested by LEP parents under Item 1(a).
 - d. A provision requiring the District to provide written or oral translations of information that is not deemed “essential information” upon receiving a reasonable, specific request for such information from an LEP parent.
 - e. A list of “essential information” that will be translated for LEP parents/guardians who have requested notices in a language other than English. This list shall include, but not be limited to:

¹ For purposes of this Agreement, the term “parent” includes legal guardians of students in the District.

- i. Information regarding significant changes to school operations, such as community meetings to discuss a proposed closure of a school;
 - ii. Information about special education matters arising under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 (*e.g.*, Individualized Education Program (IEP) or 504 meetings);
 - iii. Report cards and other academic progress reports;
 - iv. Information about the disciplinary process;
 - v. Requests for parent permission for student participation in District/school sponsored programs and activities;
 - vi. Promotional materials and announcements distributed to students that contain information about school and District activities for which notice is needed to participate in such activities (*e.g.*, testing, activities requiring an application, parent-teacher conferences, open houses);
 - vii. Student and parent handbooks;
 - viii. Documents concerning enrollment or registration;
 - ix. Documents concerning academic options and planning;
 - x. Documents concerning screening procedures requesting a student's language background and a parent's preferred method of communication;
 - xi. Information related to public health and safety; except that if there is an immediate health or safety emergency, the information may be initially provided in English with interpretation and/or translation to follow as soon as practicable; and
 - xii. Any other written information describing the rights and responsibilities of parents or students and the benefits and services available to parents and students.
- f. A provision requiring that whenever a District employee needs to communicate with an LEP parent regarding essential information, the District will timely offer a qualified interpreter to the parent and make a record of this offer and the provision of the interpreter.
- g. A provision requiring the District to develop a process to ensure that its interpreters and translators are qualified to interpret and translate, are trained on their role, the ethics of interpreting, and the need to maintain confidentiality, and have knowledge, in English and the parent's language, of any specialized terms

or concepts regarding the District program or activity that require translation or interpretation.

- h. A provision notifying District employees that the use of family members and friends for the provision of language assistance is generally not acceptable. The notice will 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.

Reporting Requirement: By April 30, 2023, the District will provide OCR with the District's procedure for OCR's review and approval.

1. Within 30 days of OCR's approval of the District's procedure, the District will submit documentation confirming the website posting and distribution of the procedure to parents and District employees; and
2. Within 180 calendar days of OCR's approval, the District will submit to OCR documentation demonstrating adoption and implementation of all elements of the procedure, including but not limited to: sample copies of documents the District has translated; sample records of parent/guardian requests for language assistance; and links to translated documents on the District's website.

- II. Training. The District will train appropriate staff on the District procedures for identifying the translation and interpreter needs of LEP parents and providing timely translation and interpreter services. Staff training will consist of the following: when and how to obtain qualified language assistance; the importance of meaningful communication with LEP parents about school information that is brought to the attention of non-LEP parents; how to obtain a timely translation of essential written information; the use of qualified interpreters when staff have telephone or in-person contact with LEP parents; and applicable record-keeping procedures and reporting obligations.

Reporting Requirement: By September 15, 2023, the District will provide to OCR a written description of the training it provided to appropriate staff concerning the District procedures for identifying the translation and interpreter needs of LEP parents and providing timely translation and interpreter services, in accordance with Item I above. The description will include a list of staff members who attended the training by name and job title, along with copies of any presentations or documents used or distributed.

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 the Agreement.

The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the Title VI statute(s) and regulation(s) at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of the resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____/s/_____
Leisa Winston, Ed.D., Superintendent

Date: 11/15/2022