

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Beaverton School District 48J (district) enters into this agreement to resolve the allegations in a complaint (Reference No. 10141408) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under title VI of the Civil Rights Act of 1964 (Title VI).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10141408 and does not constitute an admission by the district of any violation of Title VI or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141408 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. 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.
- D. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, OCR may visit the district's campus, 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 CFR Part 100, which was at issue in this case.
- E. 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 CFR Part 100.

III. DEPARTMENTAL GUIDANCE

The district will ensure that all provisions of this agreement are implemented consistent with the regulatory requirements of Title VI. The district will also ensure that all actions under the agreement are consistent with OCR's Dear Colleague Letter on English Learner (EL) students dated January 7, 2015¹.

IV. RESOLUTION PROVISIONS

The district agrees to provide adequate personnel and resources to ensure that EL students can participate meaningfully and equally in the district's educational programs. The district also agrees to provide meaningful communication with limited-English-Proficient (LEP) parents in a language they can understand and to adequately notify LEP parents of information about the programs, services and activities offered by the district. In this regard, the district will take the following actions:

A. Staffing and Resources

1. **By June 30 2015**, the district will, in consultation with OCR, review and revise its policies and procedures regarding the provision of staffing and resources allocated to support the district's chosen EL language assistance program. Specifically, the district's policies and procedures will ensure that (a) there is an adequate number of teachers and paraprofessionals to instruct EL students at all district schools; (b) that these teachers and paraprofessionals have mastered the skills necessary to effectively teach in the district's program for EL students; and (c) that EL students receive appropriate instructional materials in the EL program, including adequate quantities of English language development materials.
2. **By June 30 2015**, the district will, in consultation with OCR, conduct an evaluation of the staffing and resources allocated to support the district's chosen language assistance program to enable EL students to attain English proficiency and parity in participation in the standard instructional program within a reasonable length of time. The evaluation will include, but need not be limited to, the following criteria at each of the district's elementary, middle and high schools:

¹ <http://www2.ed.gov/about/offices/list/ocr/lett0ers/colleague-el-201501.pdf>

- a. A review of the number of students enrolled in the district who have been identified as EL and in need of a language assistance program at each of the district's schools;
 - b. A review of the number and categories of instructional staff allotted to providing the services necessary to implement the district's language development program, by individual school;
 - c. A review of the qualifications of the instructional staff;
 - d. A review of EL caseloads to determine whether they are comparable from school to school by elementary, middle, and high school levels;
 - e. A review of the instructional materials and resources that are available for the district's language development program; and
 - f. Information obtained from current instructional staff regarding the adequacy of the staffing and resources needed to implement the EL program.
3. In analyzing the information gathered during the evaluation of the district's staffing and resources, the district will ensure that the evaluation includes the following:
- a. A description of the methods and criteria the district will use to determine whether it has adequate personnel and resources to ensure that English learner (EL) students can participate meaningfully and equally in the district's educational programs.
 - b. A description of the methods and criteria the district will use to determine whether personnel assigned to implement the EL program have the requisite endorsement or are actively seeking the requisite endorsement.
 - c. A description of the district's plan for regular and on-going review of the adequacy of the district's personnel and resources to ensure that EL students can participate meaningfully and equally in the district's educational programs.

- d. A description of the contingency plan if the district does not currently have sufficient personnel and resources necessary to implement their program.
4. **By June 30 2015**, if the district does not have sufficient qualified and trained staff and/or adequate resources for its EL program of services for the 2014-2015 school year, the district will develop a plan that will identify the following:
 - a. The steps the district will take to ensure the availability and placement of qualified and trained staff members to implement the EL program services;
 - b. A description of the continuing efforts the district is making to recruit qualified and trained staff members to implement the EL program services;
 - c. A description of the types of resources and other instructional materials that have been identified as necessary to ensure that EL students can participate meaningfully and equally in the district's educational programs;
 - d. A description of the actions that the district will take to obtain the necessary resources and instructional materials identified by the evaluation.

B. Parent Communication

1. **By June 30 2015**, the district will review and revise its policies and procedures to ensure that LEP parents are notified, in a language understood by the parents, of school activities and other information and matters that are called to the attention of other parents. Specifically, the district will revise its policies and procedures to ensure that:
 - a. the policies and procedures describe how the district will provide language assistance services, including interpreters and written translations, to LEP parents, including parents from less predominant language groups;
 - b. the district has a process to identify and track LEP parents who require communication in a language other than English,

including ensuring that teachers, administrators, and central office personnel are notified of these LEP parents;

- c. the district has a process by which district staff may obtain, in a timely manner, language assistance services, including qualified translators or interpreters as needed (this could include through the use of various services, such as onsite translators/interpreters, telephonic translators/interpreters, and effective translation programs);
 - d. the process will also notify appropriate staff of the applicable record keeping procedures and reporting requirements; the district's means for providing these services must be well-publicized and accessible to staff.
2. **By June 30 2015**, the district will notify LEP parents, in a language that the parents can understand, of the availability of free language assistance services with respect to school programs and activities and information as to how this assistance may be obtained. The notice will, at a minimum, be published on the district's website, in the student and parent handbooks, and in any district-wide or school-based newsletters. The notification will also provide parents with a contact person who can answer any questions regarding parental communication and assist parents to access interpreter services or translated documents.
 3. **By June 30 2015**, the district will develop a process to ensure that all of its interpreters and translators are competent to provide interpretation and translation services and have been appropriately trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. The district will maintain documentation to support that the interpreters and translators have the skills and proficiency to interpret and translate in English and a particular non-English language.
 4. **By June 30 2015**, the district will provide training to district administrators and other staff members involved in the provision of interpreter and translation services on the revised policies and procedures.

V. REPORTING PROVISIONS

- A. **By September 30, 2015**, the district will provide OCR a copy of its draft revised policies and procedures, which it developed pursuant to sections IV.A.1 and IV.B.1 of the agreement, for OCR's review and approval. Within 60 days of receiving OCR's approval of the revised policies and procedures, the district will provide OCR with documentation to substantiate that it has adopted the OCR-approved policies and procedures.
- B. **By September 30, 2015**, the District will provide OCR with a report on its evaluation, pursuant to sections IV.A.2 and IV.A.3, above. The report will include:
1. A description of the sources of information that were considered in the evaluation of the staffing and resources allocated to support the district's chosen language assistance program;
 2. Caseload and instructional group size guidelines;
 3. The names and qualifications of teachers at each school along with their projected daily schedules and number of EL students for each classroom period;
 4. A summary of the information obtained from current instructional staff regarding the adequacy of the staffing and resources needed to implement the EL program.
 5. A description of the district's determination regarding whether the district currently provides adequate personnel and resources to ensure that EL students can participate meaningfully and equally in the district's educational programs.
- C. **By September 30, 2015**, if the district has determined that adequate personnel and resources are not currently being provided to ensure that EL students can participate meaningfully and equally in the district's educational programs, the district will provide OCR with a report pursuant to section IV.A.4 which describes the actions that the district will take to obtain the necessary resources and instructional materials identified by the evaluation. The district will continue to provide a report every six months until the district's plan has been fully implemented and the district is in compliance with Title VI with regard to the issues resolved in this case. These semiannual reports will include a detailed

description of the specific actions that were taken by the district to obtain the necessary staffing, resources and instructional materials that were determined to be necessary to ensure that EL students can participate meaningfully and equally in the district's educational program.

- D. **September 30, 2015**, the district will provide notice to LEP parents of the district's policies and procedures regarding parent communication pursuant to section IV.B.2 of the agreement, and submit to OCR a copy of the notice provided to LEP parents.
- E. **By September 30, 2015**, the district will provide OCR with a report pursuant to section IV.B.3 that describes the process developed to ensure that all its interpreters and translators are competent to provide interpretation services and have been appropriately trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.
- F. **By September 30, 2015**, the district will provide OCR with a report pursuant to section IV.B.4 that describes the training provided to district administrators and staff involved in the provision of interpreter and translation services, including a copy of the training materials, date of training, a copy of the attendance sheet, and the name and title of the trainer.
- G. **By September 30, 2015**, and every six months until the district's plan has been fully implemented and the district is in compliance with Title VI with regard to the issues resolved in this case, the district will submit to OCR documentation of its implementation of the policies and procedures in section IV.B.1 of the agreement. Documentation shall include copies of any published notices or notices sent to LEP parents regarding the availability of free language services, a list of individuals who requested such services, what services were provided, and the name and qualification of the staff member who provided the interpretation or translation service.

Signed:

_____/s/_____
Dr. Jeff Rose
Superintendent
Beaverton School District

April 20, 2015
Date