

VOLUNTARY RESOLUTION AGREEMENT
Crook County School District
OCR Reference No. 10161089

I. INTRODUCTION

Crook County School District (the district) enters into this voluntary resolution agreement (Agreement) to resolve the allegations in a complaint (Reference No. 10161089) 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) and its implementing regulation at 34 CFR Part 100.

II. GENERAL PROVISIONS

- A. This Agreement resolves only the allegations in OCR Reference No. 10161089 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. 10161089 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, if it does not fully implement this Agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 CFR 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the district written notice of the alleged breach and 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, 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 100.3(a) and (b), which were 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 100.3(a) and (b).

III. RESOLUTION AND REPORTING PROVISIONS

A. Policies and Procedures: Language Assistance Plan

1. By the date stipulated below in the reporting requirement, the District will develop and submit a written plan to OCR for its approval to provide language assistance to limited English proficient parents or guardians (LEP parents), which insures that they have meaningful access to the District's programs and activities consistent with Title VI and its implementing regulations. OCR will approve the plan or notify the District that further revisions are required. If revisions are required, the District will, within 30 days of receiving notice of the need for revisions, re-submit a revised plan to OCR. OCR and the District will follow the same procedures until OCR approves the District's language assistance plan. The written plan will include the following:
 - a. A process for identifying LEP parents who may need language assistance. This process will include, at a minimum, the use of home language surveys, which asks LEP parents in a language they understand (in writing and/or orally, as appropriate) if they need written translations or oral interpretation of communications, and if so, to specify the language(s) needed, through interaction between LEP parents and students and staff, and taking into account that English Learner students (EL students), whom the District has an obligation to identify, may also have LEP parents.
 - b. A process for notifying LEP parents, in a language that the LEP parents will understand, of the availability of free language assistance with respect to school programs and activities. The notice will, at a minimum, be published in student and parent handbooks, in district enrollment materials, and on the District's website.
 - c. A statement that a parent or guardian does not have to be of limited English proficiency in reading, writing, speaking, and comprehending English in order to be considered LEP, but that it is only necessary that a parent or guardian be limited in at least one of these communication areas in order to be eligible to receive language assistance as needed.
 - d. A statement that, generally, the District will accept a parent or guardian's assertion that he or she needs language assistance without requiring additional corroboration.
 - e. A process that ensures that each school building and district program, if not housed in a particular school building, maintains a document that consists of the following: centralized list of LEP parents identified as needing language assistance services; the type of language assistance

services that they need (e.g., written translation or oral interpretation and in which language); and a log of the language assistance services provided that lists the date of service, type of service, purpose for providing the service (e.g., parent-teacher conference, meeting related to the provision of disability-related services, disciplinary proceedings, etc.), and the service provider (including name, position title, and qualifications; if the services are provided through a contractual agreement, the name of the company or agency).

- f. A process that ensures the District maintains a district-wide document that lists the LEP parents identified by each school and District program as needing language assistance services; the type of language assistance service(s) that they need; and a log of the language assistance services provided by date, type of service, and service provider.
- g. A process by which District staff, who are likely to interact with identified LEP parents, are advised of the potential need for language assistance, the circumstances under which the LEP parents may need language assistance (e.g., parent-teacher conferences, documents and/or meetings related to disciplinary actions, documents and/or meetings related to the provision of disability-related services), the type of language assistance they may need, and the means by which District staff may timely obtain such assistance for the LEP parent. Staff, for purposes of this Agreement, will include, but is not limited to, administrators, teachers, counselors, school psychologists, and support staff.
- h. A process that ensures information regarding the language assistance needs of LEP parents is provided to staff members when the children of LEP parents transfer from one building or district program to another building or district program within the District.
- i. A process by which District staff may obtain in a timely manner appropriately qualified translators and/or interpreters as needed.
- j. A process by which the District ensures that its translators and interpreters are appropriate, competent, and effective – and not merely bilingual or multilingual (whether District staff or outside resources are used).
- k. A process by which the District ensures that any of its translators and interpreters are trained on the role of a translator and interpreter, the

ethics of translating and interpreting, and the need to maintain confidentiality.

- l. A process by which the District ensures that interpreters have knowledge, in English and in the LEP parents' native language, of any specialized terms or concepts which are unique to the District program or activity for which the interpreters are providing services. This includes, but is not limited to, interpreters having knowledge of specialized terminology used during meetings related to the provision of disability-related services.
- m. A process by which the District ensures that translators understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. The process should entail, as deemed appropriate and necessary, the District consulting with relevant community-based organizations to help determine whether a document is written at an appropriate level for the intended audience.
- n. A process for notifying District staff, on an annual basis, that the use of family members and/or friends of the LEP parent for the provision of language assistance is generally not acceptable. The notice shall 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 and accurate interpretations. The process will also include notification that District staff should not rely on such individuals to provide LEP parents meaningful access to important programs and activities, and advise staff that the District may still need to provide, depending upon the circumstances of the situation, a translator or interpreter to ensure accurate interpretation and translation of critical information even when LEP parents have voluntarily chosen to provide their own translator or interpreter, especially in, but not limited to, situations where the competency of the LEP parents' chosen translator or interpreter is not established. The notice shall also state that the use of the LEP parents' minor children raises particular concerns about competency, quality, and accuracy of interpretations and that it is never suitable to use such children to convey information about their own education and/or complex information.
- o. A process by which the District identifies and translates vital written documents into the language of frequently-encountered LEP parent group eligible to be served and/or likely to be affected by the District's programs or activities. In determining which documents are vital, the

District will consider the importance of the program, information, encounter, or service involved, and the consequences to the LEP parent if the information in question is not provided accurately or in a timely manner. The process will ensure that the list of vital written documents if provided to all school staff that may interact with LEP parents. At a minimum, the following vital written documents will be translated into the language of each frequently-encountered LEP parent group:

- notice of procedural safeguards in the context of disability-related services and the provision of a free appropriate public education (FAPE) to children with disabilities under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Individuals with Disabilities Education Act (IDEA).
- documentation related to eligibility and placement decisions under Section 504 and IDEA;
- disciplinary notices and procedures;
- school enrollment/registration forms, emergency notification forms, and other forms most commonly used by the district to communicate with parents;
- student report cards and progress reports;
- notices of parent-teacher conferences or meetings;
- parent handbooks and fact sheets;
- documentation regarding the availability of academic options and course planning, including gifted and talented programs; enrollment opportunities and pre-requisites for advanced/honors/AP courses; alternative language programs; college preparedness planning; and counseling and guidance services;
- screening procedures that request information from parents about a child's language background and the parents' preferred language for communicating with District staff;
- requests for parent permission and information related to student participation in District/school sponsored programs and activities, including but not limited to field trip permission

forms, interscholastic athletics, and extra- and co-curricular activities; and

- announcements distributed to students/parents that contain information about school and District activities for which notice is needed to participate in such activities (e.g. school-wide testing, school performances, activities requiring an application, etc.)
2. Within 60 days of receipt of the OCR-approved language assistance plan, the District will deploy the language assistance plan to district staff, which will include instructions and procedural flow chart.
 3. Within 90 days of adoption by the district of the language assistance plan, the District will develop a written plan for the annual evaluation of the effectiveness of the language assistance plan, developed pursuant to III.A.1, above. The written evaluation plan will include the following:
 - a. Identification of staff, by name and position title, responsible for evaluating the language assistance plan on an annual basis.
 - b. Identification of the date by which the evaluation will be completed on an annual basis.
 - c. A list of information and items to be assessed when evaluating the effectiveness of the language assistance plan, which will include, at a minimum, the following: identification of current LEP parent groups encountered by the District; the frequency of encounters with LEP parents; the nature and importance of activities to LEP parents; the availability of resources for language assistance, including technological advances and sources of additional support, and the costs imposed; whether existing assistance is meeting the needs of LEP parents; whether staff knows and understands the language assistance plan and how to implement it; and whether identified sources for language assistance were provided in an effective and timely manner.
 - d. A process for determining whether new documents, programs, services, and activities need to be made accessible to LEP parents and EL students; and whether the District needs to provide notice of any changes in services to LEP parents and to District staff.

Reporting Requirements: Language Assistance Plan

1. By December 31, 2016, the District will submit its draft language assistance plan for the review and approval process detailed in Section III.A.1.
2. Within 60 days of its implementation, pursuant to Section III.A.2, above, the District will provide OCR documentation verifying that the language assistance plan has been deployed, including but not limited to the instructions and procedural flow chart provided to staff.
3. Within 90 days after the District's adoption of the language assistance plan, the District will submit its draft evaluation plan that assesses the effectiveness of the language assistance plan detailed in Section III.A.3, above.
 - i. By the date set forth in the evaluation plan, and by this same date of each succeeding year until such time as OCR closes the monitoring of this complaint, the District will submit to OCR documentation detailing the results of its annual evaluation of the implementation of the language assistance plan, including documentation of any changes resulting from the evaluation.

B. Policies and Procedures: Prohibition Against Retaliation

1. By the date stipulated below in the reporting requirement, the district will develop and submit, for OCR's review and approval, a policy to prohibit retaliation against individuals who have engaged in activities protected by federal law and the regulations enforced by OCR that prohibit discrimination on the bases of race, color, national origin, sex, disability, or age in accordance with applicable law. The policy will also identify the procedure for filing a complaint alleging retaliation, as well as the procedure for the District's response to such complaints. A copy of the policy and procedure will be submitted to OCR for review. OCR will approve the policy and procedure or notify the District that further revisions are required. If revisions are required, the District will, within 30 days of receiving notice of the need for revisions, re-submit a revised policy and/or procedure to OCR. OCR and the District will follow the same process until OCR approves the District's policy and procedures regarding the prohibition against retaliation.
2. Within 60 days of receipt of the OCR-approved policy prohibiting retaliation and procedure for filing complaints alleging retaliation, the District will adopt and implement the policy and procedure.

3. Within 60 days of OCR's approval of the policy and procedure as detailed in section III.B.1, above, the District will develop additional language to include in its staff handbook, a memorandum, or similar guidance document for administrators and staff that provides information on unlawful retaliation against those engaging in a civil rights-related protected activity, including the District's policy and procedure developed pursuant to III.B.1. The District will submit the document for OCR's review. OCR will approve the document or notify the District that further revisions are required. If revisions are required, the District will, within 30 days of receiving notice of the need for revisions, re-submit a revised document to OCR. OCR and the District will follow the same process until OCR approves the document regarding the prohibition against retaliation. At a minimum the document will:
 - i. Explain that title VI of the Civil Rights Act of 1964 (Title VI), title IX of the Education Amendments of 1972 (Title IX), section 504 of the Rehabilitation Act of 1973 (Section 504), the Age Discrimination Act of 1975 (the Age Act), title II of the Americans with Disabilities Act of 1990 (Title II), and their respective implementing regulations prohibit retaliation against individuals who take action to assert the rights of parents/guardians, students, and others to be free from discrimination based on race, color, national origin, sex, disability, or age;
 - ii. Explain that retaliation against those engaging in protected activities is unlawful and prohibited by District policy and Federal law;
 - iii. Clarify that parents/guardians, students, and others can engage in specific activities that are protected from retaliation by Federal civil rights laws;
 - iv. Provide examples of protected activity;
 - v. Provide examples of actions that may be considered retaliatory in nature; and
 - vi. Provide contact information for individuals to file complaints with the District or OCR.
4. Within 60 days of receiving OCR's approval of the handbook language, memorandum, or other guidance document regarding retaliation, the District will disseminate a hard copy of the guidance document to all District staff.

Reporting Requirements: Policies and Procedures Regarding the Prohibition Against Retaliation

1. By December 31, 2016, the District will submit the draft policies and procedures regarding the prohibition against retaliation for the review and approval process as detailed in Section III.B.1, above.
2. Within 30 days of adoption by the District pursuant to Section III.B.2, above, the District will provide OCR a copy of the board minutes or other documentation verifying that the policy and procedure regarding the prohibition against retaliation and process for filing a complaint has been adopted, along with a copy of the final adopted District policy and procedure.
3. Within 60 days after adoption of the policies and procedures regarding the prohibition against retaliation, the District will submit a draft of the handbook language, memorandum, or other guidance document regarding retaliation for the review and approval process described in Section III.B.3, above.
4. Within 60 days of disseminating the approved guidance document, the District will provide documentation to OCR establishing that it has distributed a copy of the guidance document to all District staff pursuant to Section III.B.4, above.

C. Notice of Policy Adoption

1. Within 45 days of adopting the revised policies and procedures described in Sections III.A.1 and III.B.1 of this agreement, the District will notify administrators, staff, parents/guardians, and students of the language assistance plan and policy prohibiting retaliation. The notification will include, at a minimum, the following: inclusion in the annual staff, parent/guardian, and student handbooks; and inclusion on the District's website.

Reporting Requirement: Notice of Adopted Policies

Within 60 days after implementation by the District of the language assistance plan and adoption of the policy regarding the prohibition against retaliation, the District will provide a copy of the notice that will be included annually in the staff, parent/guardian, and student handbooks regarding the language assistance plan and policy prohibiting retaliation; and a uniform record locator (URL) where the policy against retaliation may be found on the District's website.

D. Training Regarding Policies and Procedures

1. Within 60 days of adopting the language assistance plan described in Section III.A.1, and annually thereafter during staff in-service training conducted at the beginning of the school year, the District will provide training to staff on the policy and procedures for effectively communicating with LEP parents. Staff training will consist of a review of the language assistance plan; the importance of effective communication with LEP parents; the use of interpreters when staff receive or make telephone calls, have in-person encounters, or other similar situations with language-minority individuals; and applicable record-keeping procedures and reporting requirements.
2. Within 60 days of adopting the policy and procedure described in Section III.B.1 and disseminating the memorandum described in Section III.C.1, and annually thereafter during staff in-service training conducted at the beginning of the year, the District will provide training to administrators and staff regarding the prohibition against retaliation. The training will include discussion of the policy, procedures, and memorandum developed pursuant to Section III.B.1 and III.C.1, respectively. The training will be provided by an individual or outside third party who has sufficient knowledge, experience, or education about the prohibitions against retaliation.

Reporting Requirements: Training

1. No later than 30 days after providing the training detailed in Section III.D.1, above, regarding the language assistance plan, the District will provide OCR with copies of the sign-in sheets from the training sessions, and copies of the presentation and all handouts provided.
2. No later than 30 days after providing the training detailed in Section III.D.2, above, regarding the prohibition against retaliation, the District will provide OCR with copies of the sign-in sheets from the training sessions, and copies of the presentation and all handouts provided.

E. Complainant-Specific Remedies

1. Continuing Education Opportunity – By December 31, 2016, the District will provide a letter to the Complainant which provides assurances that the District will cover the cost of registration, meals, and lodging for her to attend the annual State English Language Alliance educators conference held in Oregon, upon Complainant's return to the District from a voluntary leave of absence. The letter will include information that the Complainant

has until December 1st of the academic school year in which she is anticipated to return to submit her request to attend this conference. The District will evaluate the availability of qualified substitutes and the effect of Complainant's absence on the existing educational program to make a final determination of Complainant's attendance at this conference. If the Complainant cannot attend for any reason outlined above, the Complainant shall receive first consideration at the next conference as long as the Complainant maintains employment in the same capacity with the District.

2. Removal of written documentation of verbal warning and directive – By December 31, 2016, the District will remove the disciplinary letter from the working file of the principal of Barnes Butte Elementary School that memorializes a verbal reprimand given to the Complainant. In lieu of the disciplinary letter, the principal of Barnes Butte Elementary will place a document that states he has given the Complainant these directives:

- Follow instructions given to you by your administrator, and
- Secure administrative approval in advance for professional events requiring your absence.

The District has a responsibility to develop, submit, and comply with policies that prohibit retaliation against individuals who have engaged in activities protected by federal law and regulations enforced by OCR. At the same time, the District maintains management rights to discipline employees for improper behaviors. If the Complainant fails to follow the above described directives, the District maintains the right to discipline the Complainant in accordance with District policies and procedures. The District will provide a letter to the Complainant indicating the removal of the letter and the addition of the two directives described above. The letter will contain assurances that the District will not use the information from the original verbal reprimand and disciplinary letter to be the basis for any subsequent disciplinary action, dismissal, demotion, involuntary transfer, professional reference, or similar employment action of the Complainant.

3. The recompense of a continuing education opportunity, the removal of a letter memorializing verbal disciplinary action, and the reinstatement of two directives, as well as the assurances made by the District to the Complainant do not constitute an admission of wrongdoing and this voluntary resolution agreement may not be introduced in any proceeding or matter as evidence of admission of wrongdoing or culpability, or of the validity of any claims, whether asserted or not.

Reporting Requirements: Complainant-Specific Remedies

1. By January 31, 2017, the District will provide a copy of the letter regarding continuing education opportunity detailed in Section III.F.1, above, along with verification that the letter has been sent to and received by the Complainant.
2. By January 31, 2017, the District will provide a copy of the letter regarding the removal of a disciplinary letter detailed in Section III.F.2, above, along with verification that the letter has been sent to and received by the Complainant.

Signed:

/s/

Dr. Duane Yecha
Superintendent

September 20, 2016

Date