RESOLUTION AGREEMENT
Tulsa Public Schools
OCR Docket Number 07105002

The Tulsa Public Schools (District), Tulsa, Oklahoma, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Docket No. 07105002 and ensure that the District provides limited English proficient parents and guardians meaningful access to information it provides to parents and guardians in English, as required by Title VI of the Civil Rights Act of 1964 (Title VI), 29 United States Code (U.S.C.) § 2000d, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100.

The District acknowledges that under Title VI, it has an obligation to adequately notify national origin-minority limited English proficient (LEP) parents and guardians of school programs and activities that are called to the attention of other parents/guardians. The District further acknowledges that under Title VI, it has the responsibility to ensure meaningful access by LEP persons to information about its programs and activities.

The District agrees to take the following actions:

DEVELOPMENT AND IMPLEMENTATION OF LANGUAGE ASSISTANCE PLAN FOR COMMUNICATION WITH PARENTS AND GUARDIANS

1. By September 6, 2012, the District will develop and submit to OCR for review and approval a plan for providing language assistance services to LEP parents and guardians of District students (Language Assistance Plan) that ensures they have meaningful access to information about the District's programs and activities. As part of its implementation of its Language Assistance Plan, the District will provide language assistance services, as required by law, to all LEP parents and guardians who need language assistance with respect to the information provided to other parents about school programs and activities. These language assistance services may include the use of various services such as onsite translators/interpreters, telephonic translators/interpreters services, and translation programs. At a minimum, the Language Assistance Plan will also include the following:

   (a) A process for notifying LEP parents and guardians of the availability of free language assistance services with respect to information about school programs and activities. The notification will include information about how to access the services and identify a District contact person who can answer any questions regarding parental communication and assist parents/guardians in accessing interpreter services or translated documents. The notification will be provided in the languages available to the District via "TransAct Parent Notifications" and "Language Line Services." The notice will, at a minimum, be published on the District's website at the homepage and under the "Parents" section of the website, in the "Student and Family Guide to

Success formerly known as the Behavior Response Plan" handbook, and on all school websites and site bulletin boards.

(b) A process for identifying LEP parents and guardians who may need language assistance, including, at a minimum: (1) through home language surveys as created by the Oklahoma State Department of Education in languages contained in those forms; (2) asking 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; and (3) through an interactive process between parents and students and staff at the school sites.

(c) A process ensuring that each school building documents in its PowerSchool database (or a similar database) LEP parents and guardians identified as needing language assistance services. This process will also ensure that the information in the database regarding which parents/guardians are LEP is available to all staff in the building who may interact with LEP parents and guardians, as well as to the central administration. Staff for purposes of the Agreement will include all relevant administrators, teachers, counselors, and support staff.

(d) A process ensuring that the central administration through its PowerSchool database (or a similar database) maintains a District-wide list of LEP parents and guardians identified by each building as needing language assistance services.

(e) A process ensuring that each school and the central administration office keeps a log of or documents in another format, the language assistance services it provides to LEP parents and guardians. The log (or alternate form of documentation) will identify the date the language assistance service was provided, the type of services provided (e.g., interpreter service for Section 504 meeting), and the service provider (by name or, if the services were provided through a company, the name of the company). The log will include translation and interpreting services provided, including but not limited to, scheduled or pre-arranged interactions between the parents and District staff or administrators, Section 504 and IEP meetings, discipline hearings, and parent-teacher conferences.

(f) A process through its PowerSchool database (or a similar database) 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.

(g) A process by which District staff who are likely to interact with identified LEP parents and guardians are advised of the parents'/guardians' need for language assistance services, the circumstances under which they may need assistance (e.g., parent-teacher conferences, documents related to disciplinary actions, disciplinary hearings, documents related to IEPs or Section 504 Plans, and IEP team meetings),

the means by which they may timely obtain such assistance for the parent, the available translated documents, and the applicable record-keeping and reporting requirements.

(h) A process by which the District ensures that the interpreters and translators it uses are proficient in the languages spoken by students and parents/guardians in the District and competent to provide interpretation and translation services. The District will also ensure that all interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

(i) A process by which District staff may obtain, in a timely manner, appropriate, qualified translators or interpreters as needed (this could include the use of various services such as onsite translators/interpreters, telephonic translators/interpreters services, and translation programs). The District's means to provide the services must be well-publicized and accessible to staff.

(j) A process for notifying relevant District staff, on an annual basis, that the use of family members and friends for the provision of language assistance is not encouraged. 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, accurate interpretations. Additionally, the notice shall state that the use of minor children raises particular concerns about competency, quality, and accuracy of interpretations and it is not advisable to use such children to convey information about their own education and/or complex information.

(k) A process for identifying and translating vital written documents[1] into the language of each predominant language group. For languages that are less predominant, the District will ensure that students and parents/guardians have been advised, in a

[1] Typical vital documents may include the following: notice of procedural safeguards in the context of providing children with disabilities with a free appropriate public education (FAPE) 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; registration/enrollment forms, emergency notification forms, and other forms most commonly used by the District to communicate with parents; report cards and student progress reports; notices of parent-teacher conferences or meetings; parent handbooks and fact sheets; documentation regarding the availability of academic options and planning, including gifted and talented programs, enrollment opportunities and pre-requisites for AP/honors classes, alternative language programs, college preparedness planning, and counseling and guidance services; screening procedures that request information from parents about the child's language background and the parents' preferred language for communication with the school; requests for parent permission for student participation in District/school sponsored programs and 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. testing, school performances, co-curricular activities, activities requiring an application).

language that they understand, of who to contact in the District if they need assistance in understanding vital written documents. The District will notify staff members that these translations are available. "Predominant language group" means each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the LEP parent/guardian population eligible to be served or likely to be affected or encountered.

2. Within thirty (30) days of completing the training required by paragraph 5 below, the District will begin implementing the Language Assistance Plan at the District level and at all District schools. Within six (6) weeks of full implementation, the District will provide OCR documentation showing it has implemented the Language Assistance Plan. Full implementation must occur within ninety (90) days of the beginning of implementation.

3. By December 31, 2013, the District will conduct its first annual evaluation of its Language Assistance Plan, as implemented, and determine what, if any, changes it will make to the Language Assistance Plan for the following school year to make it more effective.

4. By January 15, 2014, the District will provide OCR documentation showing it has satisfied item 3 of this Agreement.

TRAINING FOR ADMINISTRATORS AND STAFF

5. Within sixty (60) days of OCR's approval of the Language Assistance Plan (excluding summer recess) and by October 1 annually thereafter, the District will provide training to all District principals and other administrators and staff members who have direct contact with LEP parents and guardians about the procedures for obtaining language assistance for LEP parents/guardians. The training must address, at a minimum:

   (a) Title VI's prohibition against discrimination on the basis of race, color, or national origin, including the District's obligation to ensure that LEP parents and guardians have meaningful access to information that is provided to parents and guardians in English;

   (b) what translation and interpretation services (including documents already translated) the District has available to provide language assistance services to LEP parents and guardians and how District employees may access the services to facilitate communication with LEP parents and guardians;

   (c) how to identify LEP parents and guardians in need of language assistance;

   (d) how and when to notify parents and guardians of District students that the District has interpreters and translators available to facilitate communications regarding school-related matters at no cost to the parents/guardians;

(e) how and where to document which parents and guardians of District students are LEP and in need of language assistance;

(f) how the District will ensure District employees, non-District contractors, and, if applicable, volunteers it uses to provide language assistance to LEP parents and guardians are proficient in the languages spoken by students and parents/guardians in the District and competent (including the requirements of item 1(h) of this Agreement), to provide such services; and

(g) who to contact with questions about the District's procedures for obtaining language assistance services for LEP parents and guardians.

6. The District will provide OCR documentation within six (6) weeks of full implementation of the Language Assistance Plan, showing it has provided the initial training session required by item 5 of this Agreement. The District does not have to provide documentation of subsequent training sessions unless OCR requests such documentation. The documentation of the initial training session must include:

   (a) the date, time, and location of the training;

   (b) the topics addressed at the training;

   (c) copies of handouts distributed to the training participants;

   (d) the name(s) and title(s) of the individual(s) who conducted the training; and

   (e) one or more sign-in sheets with the name and title of each employee who participated in the training, and, if applicable, the school at which each employee works.

7. By October 1, 2013, and by October 1 annually thereafter, the District will ensure that all District employees who serve as interpreters and/or translators for LEP parents and guardians are proficient in the languages spoken by students and parents/guardians in the District and have received training on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality. The District is not required to provide the training itself, and District employees who serve as interpreters and/or translators do not have to repeat the training once they have received it. The annual requirement is to ensure that new interpreters and translators receive this training.

8. By November 1, 2013, the District will provide OCR documentation showing that the District employees who served as interpreters and/or translators for LEP parents and guardians during the first quarter of the 2013-14 school year are proficient in the

languages spoken by students and parents/guardians in the District and have received the training required by item 7 of this Agreement.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the regulation implementing Title VI at 34 C.F.R. § 100.3, which was at issue in this case. The District also 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. § 100.3, 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 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.

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Dr. Keith E. Ballard, Superintendent Date
Tulsa Public Schools