

**VOLUNTARY RESOLUTION AGREEMENT**  
**Durham Public Schools**  
**OCR Case Number 11-11-1224**

**BACKGROUND**

1. The U.S. Department of Education, Office for Civil Rights (OCR) received a complaint filed against Durham Public Schools (the District). The complaint alleged that the District discriminates against limited English proficient (LEP) parents and/or guardians on the basis of national origin by failing to ensure that they have meaningful access to information that is provided to parents and guardians in English. The complaint raised additional allegations that students were harassed based on national origin, and an allegation that the District discriminated against a particular student on the basis of national origin by requiring her to produce a passport and immigrant visa in order to enroll in a District high school.
2. Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulation at 34 C.F.R. § 100.3, prohibit discrimination on the basis of race, color, or national origin in activities and programs that receive Federal financial assistance from the U.S. Department of Education. The District is a recipient of U.S. Department of Education funding and therefore is subject to this law.
3. During the course of OCR's investigation, the District indicated its willingness to take steps needed to ensure compliance with Title VI. Pursuant to Section 302 of OCR's case processing manual, a complaint can be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint.
4. This Agreement incorporates the steps the District has voluntarily agreed to undertake in order to address the substance of the complaint allegations. OCR acknowledges and appreciates the affirmative steps the District has voluntarily taken to meet the needs of the LEP community.
5. 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. § 100.3, which was at issue in this case.
6. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient 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.

## I. COMMUNICATION PROCEDURES

### A. *General Policies and Procedures*

1. The District will develop a written plan with policies and procedures to ensure timely and effective communication with national-origin minority limited-English proficient (LEP) parents. The plan will specify how the District will provide language assistance, address all provisions of this agreement, and conduct annual self-monitoring of its implementation of these procedures and the provisions of this Agreement.
2. By **October 30, 2011**, the District will provide OCR with a copy of its draft plan and written policies and procedures for review. Within 30 days of OCR's approval of the draft plan and written policies and procedures, the District will distribute the approved plan to relevant staff at each District school and implement the written policies and procedures to ensure meaningful communication with national-origin minority LEP parents.

### B. *Notification to Parents*

1. By **October 30, 2011**, the District will provide OCR with a copy of a notice provided to parents (including on the District's website) informing them that, as a general matter, free interpretation and translation services are available to them. This notification will be provided to national-origin minority LEP parents on at least an annual basis in a language that they understand.<sup>1</sup> This notification will also specify in what context these services are available (e.g., parent-teacher conferences, meetings with the school principal, special education meetings) and how parents can obtain additional information about the services, including how to request the services.

### C. *Assessment of Language Needs*

1. By **December 1, 2011**, the District will submit, for OCR approval, a draft procedure or system to keep track of LEP parents who require communication in languages other than English. This system shall include the name, contact information, and preferred language of each LEP parent. This list will be kept up-to-date and made available to all District staff members who communicate with parents.

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<sup>1</sup> For purposes of this Resolution Agreement, all references to "a language that [parents] understand" means that the District will determine the predominant language groups, and then provide written translation of the item in question (e.g., parent-teacher conference notices, special education meetings notices, etc.). For those languages that are less prominent or where translations are not feasible, the District will ensure that students and parents have been advised, in a language that they understand, of who to contact in the District if they need assistance in understanding notices or communicating with District staff members.

*D. Staff Notice and Training*

1. By **February 1, 2012** the District will notify appropriate teachers and administrators of the names of national-origin minority LEP parents, as identified by Section I.C., who require translation and interpreter services.
2. By **June 1, 2012** and on an annual basis thereafter, the District will train appropriate staff (including school-level personnel who are likely to interact with parents) on District procedures for effectively communicating with national-origin minority LEP parents. Staff training will consist of: when and how to obtain qualified language assistance, use of interpreters when staff receive or make calls to language-minority individuals, and applicable record-keeping procedures and reporting requirements.
3. By **June 15, 2012**, the District will provide OCR with a list of employees (including each employee's title and site location) who have received this training and a copy of the training materials used.

*E. Use of Competent Interpreters and Translators*

1. By **December 1, 2011**, the District will submit, for OCR approval, draft procedures for providing qualified interpreter services<sup>2</sup> for LEP parents. These procedures will include, at minimum, the following:
  - a. A system (e.g., database, list) that staff may access for an up-to-date list of qualified District interpreters;
  - b. Specific procedures for parents to make requests for interpreters and for assigning trained and qualified interpreters to a parent requesting interpretation services, or to a parent whom the District has identified as one who requires communication in a language other than English. These procedures will include, at minimum, the following:
    - i) Documentation of name and contact information of parent making the request for interpretation services;
    - ii) Documentation of date of the parental request;
    - iii) Documentation of date, time, and duration of the requested services;
    - iv) Documentation of location where the services will be provided;
    - v) Documentation of name, contact information, and job title of the assigned interpreter; and
    - vi) Confirmation that the interpretation services were ultimately provided.
  - c. Specific procedures to ensure that a sufficient number of qualified interpreters are available when multiple interpreters are needed at the same time (e.g., during parent-teacher conferences and during school orientation night);

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<sup>2</sup> An interpreter will be considered a "qualified interpreter" if their interpreter skills are supported by an objective measure of proficiency in the language domain they are interpreting (e.g., reading, writing, speaking) or through professional interpreter certification.

- d. Ensuring that only qualified staff members or other qualified individuals employed or contracted by the District may provide interpretation services.
2. By **February 1, 2012**, the District will disseminate the final procedures for providing qualified interpreter services to all school-level administrators. As provided in I.D.1. above, the District will train appropriate staff on District procedures for effectively communicating with national-origin minority LEP parents by **May 1, 2012** and on an annual basis thereafter.

F. *Translation of Written Materials*

1. For predominant language groups, as determined by the District, the District will provide, to the extent feasible, written translations to national-origin minority LEP parents of those notices that are sent to other parents. The District confirms that it routinely provides the following documents to all parents:
  - a. Public notification materials (e.g., District fact sheets, informational flyers, school brochures, pamphlets)
  - b. Registration/enrollment forms
  - c. Emergency notification cards
  - d. Home language surveys
  - e. Field trip permission forms
  - f. Privacy policies
  - g. Health services registration forms
  - h. Student and Parent handbooks, including the student discipline code
  - i. Disciplinary forms and notices, including narratives
  - j. Class schedules
  - k. Special Education forms
  - l. Section 504 forms, including notification of due process rights
  - m. Requests for parent conference

Accordingly, by **October 30, 2011**, for these and other documents routinely provided, the District will make available written translations for appropriate distribution and will remind its staff members that these are available and are to be used as needed. For those languages that are less prominent or where translations are not feasible, the District will ensure that students and parents have been advised, in a language that they understand, of who to contact in the District if they need assistance in understanding notices or communicating with District staff members.

2. By **October 30, 2011**, the District will provide OCR a copy of all written translations specified above. The District also will provide OCR a copy of the notification to staff members that these materials are available. The District will consider which of these translated documents are appropriate to post on its website.
3. By **September 1, 2012**, the District will provide written translations of report cards, progress reports, bus schedules and other schedule information to national-

origin minority LEP parents on the same basis that information is sent to other parents. In the interim, the District will ensure that students and parents have been advised, in a language that they understand, of who to contact in the District if they need assistance in understanding such notices or communicating with District staff members. By **September 15, 2012**, the District will provide OCR a description of the process used to provide those translations, including the name of any software used.

4. By **December 1, 2011**, the District will submit, for OCR approval, draft procedures for staff to request document translations for LEP parents. These procedures will include, at minimum, the following:
  - a. A system (e.g., database, list) that staff may access for an up-to-date list of qualified District translators;
  - b. Specific procedures for school staff to make requests for translations and for assigning trained and qualified translators to complete the request. These procedures will include, at minimum, the following:
    - i.) Documentation of name and contact information of the staff person making the request for translation services;
    - ii.) Documentation of date of the translation request;
    - iii.) Documentation of requested completion date for the requested services;
    - iv.) Documentation of name, contact information, and job title (if the translator is a District employee) of the assigned translator; and
    - v.) Confirmation that the translation services were ultimately provided, including the actual completion date.
  - c. Specific procedures to ensure that a sufficient number of qualified translators are available (as District employees and/or through a contract service) to fulfill translation requests in a timely manner; and
  - d. Ensuring that only qualified staff members or other qualified individuals employed or contracted by the District may provide translation services.
4. By **February 1, 2012**, the District will disseminate the final procedures for staff to request document translations for LEP parents. As provided in I.D.1. above, the District will train appropriate staff on District procedures for effectively communicating with national-origin minority LEP parents by **May 1, 2012** and on an annual basis thereafter.

## **II. STUDENT REGISTRATION PROCEDURES**

### *A. Registration and Enrollment Forms/Documents, Policies, Practices, and Procedures*

1. By **December 1, 2011**, the District will review all its publications, policies, practices and procedures related to registration and enrollment to ensure that they do not have the effect of chilling or discouraging parents from enrolling their children in schools within the district based on citizenship or immigration status or national origin. The District shall specifically ensure that:

- a. Registration and enrollment forms and registration and enrollment policy, practice, or procedure (including establishing residency within the district) do not request or require information regarding a student's, parent's, or guardian's citizenship or immigration status;
  - b. No enrollment or registration material states or implies that a student, parent, or guardian must provide a passport or any other immigration-related document as a form of identification; and
  - c. Any request for a student's, parent's, or guardian's social security number clearly states that the disclosure is voluntary, provides the statutory or other basis upon which the District is seeking the number, and explains what uses will be made of it.
2. By **December 15, 2011**, the District will provide OCR a copy of all registration forms, documents, and publications related to student registration and enrollment. If the forms, documents, and publications are available on-line, an appropriate Internet link may be provided instead. As provided in section I.F. of this Agreement, the District will provide written translations to national-origin minority LEP parents of registration/enrollment forms that are provided to other parents.

*B. Staff Notice and Training*

1. By **February 15, 2012** and on an annual basis thereafter, the District will train appropriate staff at each District school on District procedures pertaining to the registration and enrollment of newly enrolling and transfer students. Staff training will include, but not be limited to notification that:
  - a. A student cannot be denied enrollment due to his or her citizenship or immigration status or the status of his or her parent or guardian;
  - b. A student cannot be denied enrollment due to use of a foreign birth certificate;
  - c. A student cannot be denied enrollment based on the student's national origin or based on the student's or parent's refusal to respond to a request for identification of the student's national origin;
  - d. A student cannot be denied enrollment because the student (or the student's parent or guardian) chooses not to provide a social security number;
  - e. A student or the student's parent or guardian may establish residency in the District or in a particular attendance zone by supplying a notarized Affidavit of Residence signed by the homeowner or renter with whom the student resides;
  - f. A student or the student's parent or guardian shall not be required to provide a passport as proof of identification or for any other reason;
  - g. A student's immigration or citizenship status is not relevant to establishing residency within the District, and no inquiries shall be made of a student or the student's parent or guardian as to that status.

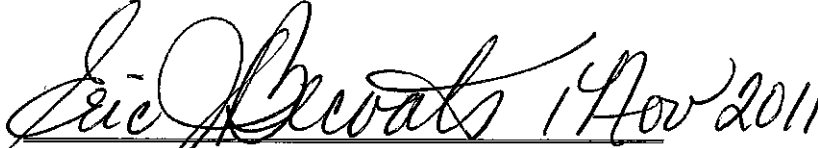
h. As provided in section III.D. of this Agreement, the District will provide cultural sensitivity training to school front office staff.

2. By **March 15, 2012**, the District will provide OCR with a list of employees (including each employee's title and site location) who have received this training and a copy of the training materials used. The training materials shall include OCR/DOJ's Dear Colleague Letter, dated May 6, 2011, and the related Qs & As document.

### III. EDUCATIONAL CLIMATE

- A. The District agrees to take all steps reasonably designed to ensure that students enrolled in the District are not subject to a hostile environment and to respond to allegations of harassment on the basis of national origin. To this end, the District will promptly investigate all incidents of harassment of students on the basis of national origin that are known or reasonably should be known to the District and will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff found to have violated District policy 4411/5126 "Bullying/Harassment." The District will maintain appropriate records of the incidents and investigations. The District will take prompt and effective responsive action reasonably designed to end the hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on affected student(s).
- B. The District will disseminate its policy on harassment to staff, students, parents and community members at the start of the school year.
- C. By **October 30, 2011**, the District will provide OCR with confirmation that the harassment policy has been disseminated as stated above.
- D. The District agrees to notify the substitute teacher involved in the incident described in Allegation 4 of the complaint of the prohibition under Title VI and the District's policies against singling out or discriminating against students based on national origin, if reemployed by Durham Public Schools.
- E. By **December 1, 2011**, the District will provide OCR a copy of all questions from the Gallup Student Poll that relate to school climate. OCR will then notify the District whether it requires any additional climate surveys to be conducted. If additional climate surveys are required, the District agrees to consult with the Southeastern Equity Center or another Equity Consultant (subject to approval by OCR) to develop a climate survey to assess the presence and effect of harassment, including national origin based harassment, at each school in the District. The District may create separate, age-appropriate survey questions for elementary, middle, and high school students.
  1. The student surveys will be administered on an annual basis and will allow for respondents to answer the survey anonymously.

2. The District will consult with the Equity Consultant regarding the analysis of the survey results and submit an analysis of the results of the survey to OCR within sixty (60) calendar days of the date the surveys are administered for each year this Agreement is in force. The analysis will include recommendations for the climate issues identified through the surveys.
  3. Based on a review of the results of the climate surveys, the District will work together in good faith with the Equity Consultant to agree on appropriate actions by the District to address all climate issues related to harassment, including national origin based harassment, identified through the surveys. The District will implement the agreed upon actions and notify OCR of its actions.
- F. The District will consult with the Southeastern Equity Center or another Equity Consultant (subject to approval by OCR) to develop cultural sensitivity training for all instructional staff, cafeteria staff, bus drivers, school office staff, and school-level administrators. The training will be provided by the end of May 2012 and on an annual basis thereafter. Within two weeks of the training, the District will provide OCR a copy of the training materials used and an assurance that the training has been provided.
- G. Starting with the second semester of the 2011-2012 school year and at least once per semester thereafter, the District will hold a community meeting for LEP parents and community members. At the meeting, the District will provide information regarding the registration and enrollment process and communication services the District provides, and will receive parental and community input regarding any school climate concerns based on national origin.
- H. By June 30, 2012, December 30, 2012, and June 30, 2013, the District will provide OCR with copies of the information disseminated at the community meetings held each preceding semester, as well as an attendance roster indicating the names of all who participated, a summary of concerns raised by LEP parents and community members, and how the District proposes to address the concerns.

By:  1 Nov 2011  
Dr. Eric J. Becoats, Superintendent                      Date  
Durham Public Schools