

Board Office Use: <b>Legislative File Info.</b>	
File ID Number	13-2068
Introduction Date	10/9/2013
Enactment Number	13-2071
Enactment Date	10/9/13 <i>oL</i>



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Curtiss Sarikey, Associate Superintendent  
Jacqueline Minor, General Counsel

**Board Meeting Date** October 9, 2013

**Subject** **Approval of Revised Board Policy No. 5124 --Communication With Parents/Guardians; Translation and Interpretation Services and Administrative Guidelines for English Language Learners and their Parents and Parents of Limited English Proficient Students who Require Interpreter and Translation Assistance**

**Action Requested** **Approval of Revised Board Policy No. 5124 --Communication With Parents/Guardians; Translation and Interpretation Services and Administrative Guidelines for English Language Learners and their Parents and Parents of Limited English Proficient Students who Require Interpreter and Translation Assistance**

**Background**  
*A one paragraph explanation*

In 2009, the District entered into an Agreement to Resolve ("ATR") with the Office for Civil Rights, US Department of Education, OCR Case No 09-08-1189 requiring interpretation and translation services for English Language Learners and Limited English Proficient students and their parents and guardians. For reasons that are not clear, there was some delay in implementing the requirements of the ATR. The revisions to the Board Policy and the new Administrative Guidelines have been concurred in by OCR and will be fully implemented by the District.

**Discussion**

The revised Board Policy and implementing regulations make it clear it is the District's policy, to the fullest extent practicable that English learners and parents who speak languages other than English are provided translation and interpreting services, when necessary. The District has agreed, commencing in the 2014-15, to include in the Parent Guide, a summary of the District's translation and interpretation guidelines, and an explanation of how to access services.

In addition to the legal requirements to provide translation and interpretation services, any document about a specific student sent to a



parent or guardian, including documents related to school related activities, such as field trips, after school activities, testing and safety related information, must be translated into a language the parent(s) can understand, regardless of the percentage of students in the school or District who speak that language. The principal or designee is responsible for arranging for translations with the support of the District's Translation Unit, if necessary.

In addition, interpretation services must be provided where necessary to enable parents and guardians to participate in school based as well as District-wide programs and activities, including but not limited to:

- a. Meetings of the District Governing Board
- b. Meetings of school and District Advisory Committees (School Site Council, District English Learner Advisory Committee, Community Advisory Committee for Special Education, etc.)
- c. Parent information meetings and activities
- d. Individualize Education Plan (IEP) meetings
- e. Individualize Family Service Plan (IFSP) meetings
- f. Disciplinary Hearing
- g. All communications concerning referral, assessment or placement of students for special education, including SST, IEP and Section 504 meetings

**Recommendation**

**Approval of Revised Board Policy No. 5124 --Communication With Parents/Guardians; Translation and Interpretation Services and Administrative Guidelines for English Language Learners and their Parents and Parents of Limited English Proficient Students who Require Interpreter and Translation Assistance**

**Fiscal Impact**

Funding resource name: N/A

**Attachments**

Board Policy No. 5124 --Communication With Parents/Guardians; Translation and Interpretation Services

Administrative Regulations 5124 --Administrative Guidelines for English Language Learners and their Parents and Parents of Limited English Proficient Students who Require Interpreter and Translation Assistance

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

BP 5124  
**Students**

### **Communication With Parents/Guardians: Translation and Interpretation Services**

Formatted: Font: Bold

Because parents/guardians have a right to be informed about their child's academic achievement and may use this information to support student learning, the Governing Board encourages frequent communication to parents/guardians about student progress. The principal and teacher may communicate by means of conferences, class newsletters, mail, telephone, and/or school visits by parents/guardians.

(cf. 1250 - Visitors/Outsiders)  
(cf. 6020 - Parent Involvement)

As part of this communication, teachers shall send progress reports to parents/guardians at regular intervals and shall encourage parents/ guardians to communicate any concerns to the teacher. In addition, the district shall send parents/guardians all notifications required by law.

(cf. 5113 - Absences and Excuses)  
(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 5145.6 - Parental Notifications)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)  
(cf. 6162.5 - Student Assessment)

The Superintendent or designee shall ensure that appropriate means of communication are established whenever he/she learns that a parent/ guardian, for any reason, may not be able to understand written communications from school or oral communications made during conferences related to the student's program, assessment, progress or school activities.

As needed, the Superintendent or designee shall use interpreters who are fully competent in the specialized method of communication needed for effective communication with disabled parents/guardians.

It is the District's policy, to the fullest extent practicable and consistent with law, that English learners and parents who speak languages other than English are provided translation and interpreting services, when necessary. Translation and interpreting services allow families of other language backgrounds to fully participate in the education of their children by receiving communication of high quality, equal to the communication provided in English to other families.

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Commencing in the 2014-15, the District will include in the Parent Guide, a summary of the District's translation and interpretation guidelines, and an explanation of how to access services.

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman

Formatted: Indent: Left: 0"

In addition to the legal requirements to provide translation and interpretation services, any document about a specific student sent to a parent or guardian, including documents related to school related activities, such as field trips, after school activities, testing and safety related information, shall be translated into a language the parent(s) can understand, regardless of the percentage of students in the school or District who speak that language. The principal or designee is responsible for arranging such translations with the support of the District's Translation Unit, if necessary.

Formatted: No bullets or numbering, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

Formatted: Font: Times New Roman, 12 pt, Font color: Black

Formatted: Font: Times New Roman, 12 pt, Font color: Black

Interpretation services must be provided where necessary to enable parents and guardians to participate in school based as well as District-wide programs and activities, including but not limited to:

Formatted: Font: 12 pt, Font color: Black

Formatted: Font: 12 pt, Font color: Black

Formatted: Font: 12 pt, Font color: Black

Formatted: Font: 12 pt, Font color: Black

Formatted: Font: 12 pt, Font color: Black

Formatted: Font: 12 pt

- a. Meetings of the District Governing Board
- b. Meetings of school and District Advisory Committees (School Site Council, District English Learner Advisory Committee, Community Advisory Committee for Special Education, etc.)
- c. Parent information meetings and activities
- d. Individualize Education Plan (IEP) meetings
- e. Individualize Family Service Plan (IFSP) meetings
- f. Disciplinary Hearing
- g. All communications concerning referral, assessment or placement of students for special education, including SST, IEP and Section 504 meetings

Formatted: Font: 12 pt

Children shall not be used to translate except in an emergency.

Formatted: No bullets or numbering

Formatted: Font: Times New Roman

The Superintendent or designee shall also use interpreters for parents/guardians who do not understand English, shall provide progress reports in the primary language of the parent/guardian, and/or shall identify appropriate means of communication with such parents/guardians:

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: Times New Roman

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 6174 - Education for English Language Learners)

The Superintendent or designee shall establish a procedure whereby parents/guardians may request an interpreter and shall inform parents/guardians about this procedure.

The Superintendent shall establish administrative guidelines to fully implement this Board Policy.

Legal Reference:

EDUCATION CODE:

48985 Notices in language other than English

49067 Mandated regulations regarding student achievement

49069 Absolute right to access (parents' right of access to student records)

GOVERNMENT CODE:

11135 State-funded programs or activities

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

2000d - 2000d-7 Title VI, Civil Rights Act of 1964

12101 - 12213 Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions: auxiliary aids and services

35.130 General prohibitions against discrimination

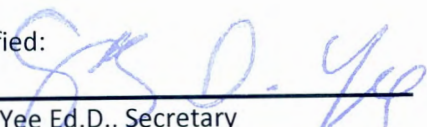
35.160 Communications

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Discrimination prohibited

| 8/25/04; revised 9/25/2013

Certified:

  
\_\_\_\_\_  
Gary Yee Ed.D., Secretary  
Board of Education

File ID Number: 13-2068  
Introduction Date: 10/9/13  
Enactment Number: 13-2071  
Enactment Date: 10/9/13  
By: [Signature]

## **OAKLAND UNIFIED SCHOOL DISTRICT**

### **Administrative Guidelines for English Language Learners and Parents and Parents of Limited English Proficient Students Who Require Interpreter and Translation Assistance**

#### **I. Purpose**

The purpose of these Administrative Guidelines is to ensure that, consistent with the law and to the fullest extent practicable, English learners and parents who speak languages other than English are provided translation and interpreting services, when necessary. Translation and interpreting services allow families of other language backgrounds to fully participate in the education of their children by receiving communication of high quality, equal to the communication provided in English to other families. To the extent practicable, families with limited English proficiency shall be provided opportunities to participate equally in District and school programs and activities, and should have full access to and understanding of the education process.

#### **II. Identification of English Learners and their parents and parents of limited English proficient students**

Upon entry to the Oakland Unified School District (the "District"), parents/guardians complete the Home Language Survey, which informs the District of the language most frequently spoken at home and the language that the child first used when he/she first began to talk. Students who list a language other than English are given assessments in English and the other language. Depending on how the student performs on the assessments, he/she is classified as either an English Learner or Initially Fluent. Students classified as English Learners will remain English Learners until they meet the reclassification criteria of the District, at which point the student will be reclassified as fluent in English.

A. Procedures for identifying the English proficiency level of English Learners are detailed in the Family, School and Community Partnerships Department ("FSCP") Student Assignment and Bilingual Testing Office procedures manual. Procedures specified in the manual align with state and federal guidelines.

The procedures include but are not limited to the following:

- Home Language Survey
- Assessment
- Parent Notification
- Cum File/Record Keeping
- Redesignation Criteria and Process

- B. To determine the need for interpreter or translation services for English Learner students, District and school staff should refer to the District's student database which will indicate the student's English proficiency level.
- C. To determine the need for interpreter or translation services for parents of English Learner and limited English proficient students, District and school staff should refer to the District's student databases which will indicate the parent's primary language as reported on the Home Language Survey.

### **III. Translation and Interpretation**

In the case of families whose primary language is a non-written language, whenever feasible, audio-taping shall be arranged in order to provide language accessible information.

Commencing in the 2014-15 school year and every year thereafter, the District will include in the Parent Guide, a summary of the District's translation and interpretation guidelines, and an explanation of how to access services.

#### **A. Written Translation**

Translation is the conversion of *written* information from one language into equivalent information in another language.

##### **1. Translation of District Documents**

When 15 percent or more of the pupils enrolled in the school District speak a single primary language other than English, all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school District shall, in addition to being written in English, be written in such primary language, and may be responded to either in English or the primary language. Central Office departments are responsible for arranging translation. Examples of District documents required to be translated are included in Attachment A which is attached to these guidelines.

- Some District-wide documents may be considered "universal" documents because they are used by all schools over a number of years. When as few as 100 pupils are enrolled in the District who speak a single primary language other than English, all universal documents will be translated into that language. The "Parent Request Form for Primary Language Assistance" (Attachment B) is a universal document.

##### **2. Translation of School Documents**

When 15 percent or more of the pupils enrolled in any particular school speak a single primary language other than English, all notices, reports, statements, or records sent to parents school-wide, shall, in addition to being written in English, be written in such primary language, and may be responded to either in English or the primary language. The principal or designee is responsible for ensuring that school notices are translated by school site personnel or District translation staff. Requests for translation should be made to the FSCP Translation Unit in accordance with the "Translation Services Guidelines" in effect at the time of the request. Examples of school-wide documents to be translated include: announcements of school-wide programs, school improvement plans, and school-wide and classroom level of parental involvement activities.

Any document about a specific student sent to a parent or guardian, including documents related to school related activities, such as field trips, after school activities, testing and safety related information, shall be translated into a language the parent(s) can understand, regardless of the percentage of students in the school or District who speak that language. The principal or designee is responsible for arranging such translations with the support of the FSCP Translation Unit, if necessary.

3. Determining language groups meeting 15 percent threshold
  - a. Using the student classification data, no later than sixty (60) days after the beginning of the school year, the Quality, Accountability & Analytics Department ("QAA") will determine the percent of students enrolled in each school who speak a single primary language other than English, including both English learners and fluent English proficient (FEP) students. This report will be disseminated to all principals.
  - b. QAA will also provide the percentages to the OUSD Communications Department and the FSCP t Translation Unit. Any language that is the primary language for 15% or more of the students in any school shall be deemed an "impacted language." The Communications Department and FSCP will monitor disseminated materials to ensure that District required notifications are translated into the appropriate impacted languages.
4. Written notices shall include but not be limited to notices listed in Attachment A, List of Translated Documents.



## B. Interpretation

Interpretation relies on the spoken word. It refers to the process of orally rendering communication from one language into another language.

1. Interpretation must be provided where necessary (i.e. where the District or school has reason to know that LEP parents will attend, or by parent request) to enable parents and guardians to participate in school- and District- level activities, including but not limited to the following:
  - a. Meetings of the District Governing Board
  - b. Meetings of school and District Advisory Committees (School Site Council, District English Learner Advisory Committee, Community Advisory Committee for Special Education, etc.)
  - c. Parent information meetings and activities
2. Interpretation must be provided where necessary to enable parents and guardians to understand communications with school and District staff concerning their students, including but not limited to the following:
  - a. Parent-teacher conferences
  - b. Communications concerning student discipline, including suspension and expulsion, and disciplinary hearings
  - c. Communications concerning student progress, including telephone calls and meetings between parents/guardians and teachers or counselors
  - d. All communications concerning referral, assessment or placement of students for special education, including SST, IEP and Section 504 meetings and Individualize Family Service Plan (IFSP) meetings
3. Interpreters are available for public meetings at the request of parents and guardians as provided in Attachment B which is attached to these guidelines. The school site is responsible for ensuring that interpretation is provided at individual meetings with parents/guardians who have been identified as needing interpretation services.
4. Site administrators will provide or arrange for interpretation as provided in these guidelines or if requested by parent or guardian, as follows:

- a. Consistent with the District's collective bargaining agreements, utilize site based bilingual staff (instructional assistants, community relations assistants, administrative support staff, etc.) who have been authorized by the Program Manager, Translation Services.
  - b. If the site does not have bilingual staff in the appropriate language, request services from OUSD Family, School and Community Partnerships Department Translation Unit. Requests for translation should be made in accordance with the "Translation Services Guidelines" in effect at the time of the request.
5. Interpreters are available from the FSCP Translation Unit for the following proceedings in the priority order listed:
  - i. Expulsion hearings and District discipline meetings
  - ii. IEP meetings
  - iii. SST meetings
  - iv. SART and SARB reviews
6. If Translation Unit staff is not able to provide services, the Program Manager, Translation Services will - secure interpreting services.
7. OUSD Bilingual Employees and Contract Translators
  - a. The District's Translation Unit Program Manager will work with school sites to develop a list of OUSD bilingual employees who are qualified to interpret and translate. In order to be on the approved list of OUSD bilingual employees, the employee must pass proficiency tests in both English and the target language, and have undergone training by the FSCP Translation Unit.
  - b. The District's Translation Unit Program Manager will develop a list of approved contract translators who may be available on an as needed basis to supplement school based bilingual needs. The Program Manager shall use best efforts to develop a list of translators who represent the various languages spoken within the District.
  - c. No later than January 15, 2014, the Translation Unit of FSCP shall provide OCR with (i) a report on progress to date toward developing an approved list of OUSD bilingual employees who

may be available for translation services and (ii) a list of approved contract translators.

- d. If District-approved school site bilingual resources are not available, the site administrator will then seek to contact an interpreter on a list of other interpreter resources provided by the FSCP Translation Unit. The list will include community bilingual resources and telephone interpreters. If necessary, the site administrator will seek further assistance from the Translation Unit.

#### 8. Children Shall Not Be Used To Translate except in Emergency

Except in the case of emergency where there is a clear and imminent danger, children will not be used as interpreters for formal or official information.

*A minor child may only be used as an interpreter for informal communication when there is no risk that confidential information may be disclosed.*

- 9. The attached notice, "Parent Request Form for Primary Language Assistance" (Attachment B), will be provided or posted:
  - a. In a visible location at or near each school office
  - b. Annually, as a part of the registration packet.
  - d. On the District's website.

#### C. Special Education

As provided by law, it is the District's policy that if a parent or guardian is limited English proficient or at the request of parent or guardian, interpretation will be provided at IEP meetings to enable parents/guardians to participate in the meetings in their native language. At the conclusion of the meeting, the consent form must be in the parents/guardians native language if the parent/guardian is not English language proficient. Within 20 calendar days after the IEP meeting, if requested by the parent/guardian, limited English proficient parents/guardians must be provided with a copy of the IEP in their native language.

The Administrator responsible for the IEP should note that in some cases, limited English proficient parents/guardians are unable to read in their native

language. In such cases, the District must ensure that there is another mechanism in place to make certain that parents/guardians are fully informed of all relevant information about the IEP process and that their consent is fully informed.

Other special education documents, including assessment plans and reports and Section 504 forms, notices, and plans, will be translated at the request of the parent or guardian.

Interpretation must be provided where necessary to enable parents and guardians to participate in school- and District- level activities, including but not limited to the following:

1. Individualize Education Plan (IEP) meetings
2. SST meetings
3. SART and SARB reviews
4. Individualize Family Service Plan (IFSP) meetings

#### D. Discipline

1. School administrators will provide conferences with students and/or parents in accordance with District guidelines for notices of suspension, extension of suspension, and referral for expulsion.
  - a. The site administrator handling the disciplinary matter will determine from the cum file or the District's student database whether the student is an English Learner and/or the parent is limited English proficient and will provide interpretation as necessary. If either the student or parent requires an interpreter, the administrator will arrange for interpretation. (See III.B.2.)
  - b. If no appropriate interpreter is available, the site administrator will proceed with the disciplinary matter, but will invite the student and parent to a conference with an appropriate interpreter within 24 hours, or as soon as practicable if an interpreter cannot be found within 24 hours. The interpreter will assist the site administrator to explain the suspension to the parent.
  - c. The District and School shall not use any minor child to provide interpreting services between families and schools on matters related to discipline.

## 2. Formal Hearing

- a. The District and school site will provide an interpreter for any formal hearing, if one is requested. An interpreter will be provided for the student recommended for any formal action and/or his/her parents to ensure their understanding of and participation in the hearing. An interpreter will also be provided for any witnesses to participate effectively in the hearing.
- b. A parent or legal guardian may waive his/her right to interpreting services for the hearing. Even if a parent declines interpreting services, the school administrator may request that the Family, School and Community Partnerships Department Translation Unit provides interpreting services, if the school is unable to communicate effectively with the family.
- c. All required documented information related to discipline that must be sent to parents whose primary language is not English, will be translated into the primary language.

## E. Witnesses and Suspects.

When an investigation being conducted by or under the direction of school administration that includes interviews with English Learners and parents with limited English proficiency:

1. Interpreters will be provided during interviews with witnesses and suspects who are not proficient in English.
  2. The administrator, whenever necessary and feasible, will utilize a translator to transcribe the recorded oral statement, and translate the transcribed statement into English, unless it is not feasible to do so. Written statements will be translated into English, if feasible.
- F. A parent whose primary language is a language other than English who believes he/she has not received adequate translation and/or interpreting services pursuant to these Administrative Guidelines may utilize the District's uniform Complaint Procedures to make a formal complaint and seek remedy.

## **IV. Personnel**

- A. The District will primarily depend on FSCP Translation Unit to meet the interpretation and translation needs of the "impacted" language groups, and will make reasonable efforts to ensure that Translation Unit positions are

filled at all times. The Translation Unit will review its staffing needs annually to ensure that language staffing is aligned with student and family needs, and is responsive to demographic changes.

- B. To ensure that staff understand translation and interpreting policies, procedures and guidelines, the "OUSD Administrative Guidelines for English Language Learners and their Parents and Parents of Limited English Proficient Students who Require Interpreter and Translation Assistance," the "Translation Services Guidelines" and the "Notice of Language Translation Services" will be available on the District's website.

## **V. Training**

- A. The Program Manager, Translation Services or designee will provide annual trainings for school site personnel on the procedures and best practices related to provision of translation and interpreting services. Additional trainings may be arranged, as necessary.
- B. On an ongoing basis, the Program Manager, Translation Services will recruit and authorize qualified OUSD bilingual employee as on-call interpreters. Appropriate training will be provided prior to assignment.
- C. Every possible means will be used to announce Translation Services trainings.

## **VI. Procedures for Requesting Services**

- A. Parents/guardians and members of the public can request language assistance by submitting the "Parent Request Form for Primary Language Assistance" to a site administrator at least 2 weeks prior to the need for translation or interpretation services. In unanticipated or emergency situations where it is not possible to provide 2 weeks' notice, the FSCP Translation Unit will use best efforts, to make language assistance services available.
- B. District Employees  
School sites and District departments are responsible for ensuring that they are able to communicate effectively with parents who are not proficient in English, and that they obtain qualified interpreters and/or translators for this purpose. The Translation Unit is available to assist staff in carrying out this responsibility as follows:

Note: Due to the increasing demand for translation services, it is imperative that schools and departments work with the Translation Unit in a timely manner when requesting services. Requests shall be made as follows.

Translation requests must be made at least 2 weeks in advance for documents that are 1-3 pages in length. Documents 3 pages or longer may take more than 3 weeks to complete. Requests that are not made 2 weeks in advance will be handled as time and resources allow.

A. Contact Person

Angel Ho, Translation Services Program Manager

Phone: 273-1665, Fax: 273-1689, E-mail: [angel.ho@ousd.k12.ca.us](mailto:angel.ho@ousd.k12.ca.us)

B. Procedure

- Written** – *all requests should be made at least 2 weeks in advance*
  - Requires the following information when submitting a request
    - ◆ Name of Requester/Contact person and contact number
    - ◆ Name of the document
    - ◆ Target Language(s)
    - ◆ Length of document
    - ◆ Expected completion date (Due date)
  - FINAL versions – **No drafts, no exceptions**<sup>1</sup>
  - Once translation project is completed, it is sent back directly to requester
  - Current priority
    - ◆ Emergency - **not urgent**
    - ◆ Central Office compliance (DELAC/DAC, notices, etc)
    - ◆ School site specific compliance (ELAC/SSC, notices, etc)
    - ◆ Other documents will be honored as time and resources allow.
- Oral** - *all requests should be made at least 2 weeks in advance*
  - First come, first served
  - Requires the following information prior to scheduling interpreter(s) to assist you
    - ◆ Name of Requester/Contact person and contact number
    - ◆ Purpose of Meeting
    - ◆ Date, Time and Location for meeting
    - ◆ Projected duration of the meeting
    - ◆ Names of student and parents and their contact number(s) if this is an individual student meeting
- How to make your requests
  - Written
    - ◆ Email your documents to [angel.ho@ousd.k12.ca.us](mailto:angel.ho@ousd.k12.ca.us)
  - Oral
    - Step 1 - Call 510-273-1665 to reserve your time slot

---

<sup>1</sup> Student-specific documents, such as IEPs, that require the input of parents or guardians, may be translated in draft form if needed to provide the parents/guardians a meaningful opportunity to participate.

Step 2 - Send an email to [angel.ho@ousd.k12.ca.us](mailto:angel.ho@ousd.k12.ca.us) for confirmation

*Note: With the limited resources, we will need your cooperation to inform Translation Services **immediately** if your meeting has been changed/cancelled/rescheduled. If we are not notified and we will take the following steps*

- 1. A phone call to requester*
- 2. An email reminder to requester*
- 3. Schedule a meeting with requester to problem-solve*



## **Attachment A**

### **List of Translated Documents**

OUSD Parent Guide  
Options (school choice) information  
District Annual Report  
DELAC meeting notices and minutes  
DAC meeting notices and minutes  
Parent Notification Letters  
Parental Involvement Policy  
Free/Reduced Lunch Information  
SES Information  
Uniform Complaint Procedures and Forms  
Media Release Consent Form  
GATE Program Letters and Forms  
Special Education Handbook  
Special Education Letters and Forms  
Suspension documentation  
Major disciplinary documentation  
Report cards template  
Formal hearing documents  
504 Handbook