



**U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section**

SS:JM:JE:RHT
DJ 169-18-36

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VIA U.S. MAIL AND EMAIL

Laura E. Pincus
Deputy General Counsel
School District of Palm Beach County
3300 Forest Hill Blvd., C-323
West Palm Beach, FL 33406

JUL 20 2016

Dear Ms. Pincus:

This letter confirms the final terms of the extension to the February 26, 2013 Agreement ("Agreement") between the United States of America ("United States") and the School District of Palm Beach County ("the District") until February 15, 2018. On June 29, 2016, the United States sent correspondence to the District memorializing modifications to the Agreement that were previously discussed by the parties. The parties now agree on the final terms of the Agreement. All terms of the Agreement that are not explicitly modified in this letter remain in effect as written in the Agreement.

Should the United States and the District disagree about whether the District has substantially complied with the Agreement by February 15, 2018, the United States, after negotiating in good faith with the District to resolve the dispute, could initiate judicial proceedings as provided for in paragraph 84 of the Agreement.

I. Major Languages

The District has requested a modification to the requirement that it phase in additional Major Languages, and has represented that it will take specific actions in an effort to substantially comply with the Agreement's other Major Languages requirements, including:

- (1) Effective June 2017, increasing the number of work days for its Certified Language Facilitators (CLF) from 182 to 206 days, which will enable CLFs to be available during the summer to facilitate registration for Limited English Proficient (LEP) parents and to translate documents in advance of the school year.
- (2) Operating the Welcome Center to provide additional registration and enrollment

- support to LEP families, and to assist schools with grade placement.
- (3) Distributing information in each of the Major Languages about the language resources that are available, including CLFs, the Welcome Center, and the Language Line.
 - (4) Monitoring for school compliance with the Agreement and working with schools to address areas of noncompliance, as described in the District's "Proposed Corrective Action."

Provided that the District takes each of these actions, the United States agrees to modify the Major Languages requirements in footnote one of the Agreement as follows. The District has identified Arabic, Chinese, French, and Vietnamese as additional languages and will provide written translations of the following categories of documents into those languages.

- (1) The District's New and Returning Student Registration (PBSD 0636); the Registration Checklist;¹ Affidavit of Person Acting as Parent (PBSD 1543); Student Residency Questionnaire (PBSD 2479); Affidavit of Residence (PBSD 1866); Application for Student Reassignment (PBSD 0249); Adult General Education Enrollment (PBSD 1700) and any other form used to transfer a student into adult education;
- (2) The District's English for Speakers of Other Languages (ESOL) Eligibility Parent Notification (PBSD 1511);
- (3) The District's Student Discipline Referral (PBSD 0279), and the cover letter to the parent/guardian; and
- (4) The District's Student Handbook.

Nothing in this letter modifies the District's obligation to comply with the original Agreement's Major Languages provisions for Spanish, Haitian Creole, Portuguese, Q'anjob'al, and Mam, or alters the District's obligation to comply with federal law, including providing LEP parents with meaningful access to information about its programs, services, or activities.

The United States also recommends that the District edit the sentence that is printed below the acceptable forms of proof of residence in the Registration Checklist which currently reads: "For extenuating circumstances please see the school administration" to make it clear that students can be enroll in school even if they do not have proof of residence. That sentence (and any other form that includes similar language) should read: "If you do not have two forms of proof of residence or for any other extenuating circumstances, please see the school administration."

II. Reporting Requirements

The District will submit its annual report to the United States on September 15, 2016² and

¹ We were unable to identify the form number associated with this document. This form is available on the District's webpage at: <https://wcms.palmbeachschools.org/students/studentreginfo/>.

² This report need not include information previously submitted to the United States, including in response to the

on August 15, 2017. The annual reports will clearly identify all the data produced either by specifying the letter below to which the data responds, or by providing a narrative that describes the data.

The United States proposes modifying paragraph 77 (a) -- (o) of the Agreement as described below. The District will produce the following information about the preceding school year in its annual reports:

- (a) The title of all trainings related to registration and enrollment, policing, discipline, and School-wide Positive Behavior Supports, and the category of people who received the training (e.g. "Administrators" or "School Resource Officers"). If the title of the training is unclear, please provide a brief description of the content;
- (b) The number of LEP parents by school and language; the number of English Language Learner (ELL) students by school and language; the number of parents who prefer each language for verbal communication and for written communication broken down by school; and a key that identifies the code used for each language;
- (c) The total number of requests made to the District for translation and interpretation services, the number of such requests that were denied; and the basis for the denial. Please also include the number of requests referred to the Language Line;
- (d) A list of bilingual staff in schools, and a list of translators and interpreters in the Multicultural Department. For each bilingual staff member and translator and interpreter, please also list the language(s) spoken;
- (e) The results from the Parent Effectiveness Questionnaire, a brief description of how the District made this survey accessible to LEP parents, and all actions taken in response to the survey results;
- (f) All records and notes related to District consultations regarding placement of ELLs;
- (g) The number of individuals the Welcome Center assisted and the type of assistance provided;
- (h) All reports or information generated as a result of the District's monitoring and oversight of school compliance with the Agreement;

- (i) All complaints that implicate any terms of the Agreement, and an explanation of the District's response;
- (j) Copies of school specific handbooks, or addendums to the District student handbook, and a list of the languages that these handbooks are available in (the translated copies do not need to be produced);
- (k) The "Written Reports" completed by the School District of Palm Beach Police Department (SDPBPD) for all public order offenses committed by students, including disorderly conduct; disturbance/disruption of schools or public assembly; loitering; trespass; profanity; dress code violations; and fighting that does not involve physical injury or a weapon. The District does not need to provide reports documenting the SDPBPD's calls for service.
- (l) For each school in the District: the Term23BX-SI-week 34 report; the Term23BX-SO-week 34 report; and the Discipline Dashboard RDGOA0494 reports, to include offense type, for "Active ELL student in program," "no ELL," "white," "Hispanic," and "black."

The District is also welcome to produce any other information that demonstrates its efforts to comply with the Agreement. The District will maintain records of all efforts to comply with the Agreement, and will produce such records to the United States on request.

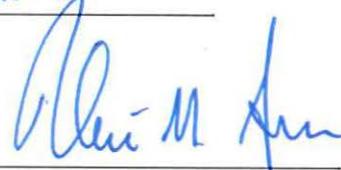
Please confirm in writing by July 29, 2016 that you agree with the terms outlined in this letter.

Sincerely,



Jennifer Maranzano
Jim Eichner
Trial Attorneys

Date

7/25/16


Robert M. Avossa, Ed.D.
Superintendent