



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Phone: (212) 788-1165
Fax: (212) 788-0877

October 15, 2004

By Electronic Case Filing

Robert C. Heinemann
Clerk of the Court
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. City of New York
CV 04 2248 (CBA) (VVP)

Dear Mr. Heinemann:

Attached for filing please find the Compliance Plan required by Part III(A) of the Consent Decree in this action. The Compliance Plan has been approved by the United States. Names of staff members identified in the Compliance Plan have been redacted pursuant to paragraph III(A)(6) of the Consent Decree.

Thank you for your consideration.

Respectf

ully submitted,

Lisa
Assistant

Grumet (LG 6110)
Corporation Counsel

cc:

Pamela Chen, Esq.
Assistant United States Attorney
Chief, Civil Rights Litigation
156 Pierrepont Street, 7th floor
Brooklyn, NY 11201

Edward G. Caspar, Esq.
Trial Attorney
U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section
601 D Street, NW Suite 4300
Washington, D.C. 20004

Lafayette High School Compliance Plan

IV. English Language Learner program

A. Assessment

1. *Beginning with the 2004-05 school year, the NYCDOE shall ensure that the Language Assessment Battery Revised ("LAB-R") test is appropriately administered at LHS to determine (1) the eligibility for participation in the ELL program of a potential ELL student who has not previously been evaluated for eligibility by the NYCDOE, and (2) the appropriate ESL class level for each student found to be eligible for participation in the ELL program.*

Proposal

Beginning with the 2004-2005 school year, the LAB-BESIS coordinator will administer the LAB-R to new entrants whose Home Language Surveys suggest they could be eligible for the ELL program. The LAB-BESIS coordinator will score the test using state guidelines and determine whether the student is eligible for the ELL program, and if so the appropriate ESL level (beginner, intermediate or advanced). The LAB-R will be administered to a student within ten (10) school days of his or her enrollment at LHS. Completed tests will be scored as soon as possible but no later than ten (10) school days after the student's enrollment, and in sufficient time to place the student within ten (10) school days of the student's enrollment or the beginning of the school year whichever is later.

Persons responsible

- a. LAB/BESIS coordinator ()
- b. Assistant Principal Foreign Languages () will supervise
- c. Principal (Alan Siegel) will supervise
- d. English Language Learner Instructional Support Specialist Region 7 () will oversee
- e. Local Instructional Superintendent, Region 7 () will oversee
- f. Regional Instructional Specialist () will oversee

Training

See IV.A.2 below

2. *The NYCDOE shall ensure that LHS guidance and ELL assessment and placement personnel and the parent coordinator are trained NYCDOE procedures for identifying, assessing, and placing ELL students.*

Proposal

The Assistant Principal Pupil Personnel Services, the Assistant Principal Foreign Languages, all guidance staff, the LAB/BESIS coordinator and the parent coordinator will be trained in procedure for identifying, assessing and placing ELL students. An initial training session was provided on June 17, 2004; additional training will be provided in September 2004, during the staff development period.

Persons responsible

- a. English Language Learner Instructional Support Specialists, Region 7 () will provide training
- b. Regional Instructional Specialist () will oversee
- c. Local Instructional Superintendent, Region 7 () will oversee

Training

Training will be provided on the following topics: ELL identification (Home Language Survey), ELL Initial Assessment (LAB-R), Parent Orientation, ELL Program placement using the LAB-R or NYSESLAT, ELL annual assessment (NYSESLAT) and Language Codes.

3. *At any time while this Consent Decree remains in effect, the NYCDOE may change the assessment system it uses. If the NYCDOE plans to make such a change, the NYCDOE shall notify the United States of this decision no later than forty-five (45) days prior to implementing the new system, or within a reasonable time after receiving notice of a change by the State of New York if NYCDOE receives less than 45 days notice from the State that it must implement such a change, and shall furnish the United States with a description of the new system and identify who developed it. The NYCDOE shall provide the United States with any additional information regarding the new system as the United States reasonably may request within fifteen (15) days of such request. Upon receiving any such requested information from the NYCDOE, or upon receipt of the NYCDOE's initial notification if no request for additional*

information is made, the United States shall have forty-five (45) days to raise any concerns or objections with the NYCDOE before it may file any objections with the Court, except that the United States may not file any objections with the Court against the City, the NYCDOE or any of their employees if the change in the assessment system was developed and mandated by the State of New York.

Proposal

DOE's Director of the Division of Assessment and Accountability will report to the Department of Education's Office of Legal Services if there are changes in the State mandated assessments.

Person responsible

Director of the Division of Assessment and Accountability

B. Class Placement

1. *The NYCDOE shall ensure that if a new entrant to LHS provides a transcript in a language other than English, LHS will arrange for the transcript to be evaluated in accordance with standardized procedures that will be distributed to all LHS guidance staff.*

Proposal

The written standardized procedure for the evaluation of foreign transcripts is annexed hereto as Appendix "A." Guidance staff will receive a copy of the procedure when they receive training on it during the staff development period at the beginning of the school year.

Persons responsible

- a. Assistant Principal Pupil Personnel Services
- b. Director of Student Placement, Youth and Family Support Services, Region 7 / will oversee
- c. DOE's Director of Guidance and Support Services will be available should problems arise with the procedure¹

¹ Susan Cofield is no longer the Director of Guidance and Support Services. This responsibility will be transferred to her successor once this person has been appointed.

Training

The Assistant Principal Pupil Personnel Services and Director of Student Placement, Youth and Family Support Services will train guidance counselors and other guidance staff in the procedure.

2. *The NYCDOE shall ensure that each ELL student is placed in the appropriate ESL and bilingual classes, if the student is to take a bilingual class, within ten (10) school days of the student's enrollment or within ten (10) school days of the start of the school year, whichever is later.*

Proposal

a. New Entrants to the NYC public schools

LHS will use a checklist ("ELL checklist") to track the progress of testing and placing new entrants and to ensure that placements are timely made. A copy of the ELL checklist is annexed hereto as Appendix "B." The LAB/BESIS coordinator will ensure the student's score, the appropriate language and ESL class and whether the student's parent has chosen bilingual or ESL classes for the student are recorded on the ELL student's checklist. The intake secretary in the Pupil Personnel Services office will record the date that the student enrolled at LHS on the ELL student's checklist and, under supervision of the Assistant Principal Pupil Personnel Services, will ensure that the assessment and placement process is complete in 10 days.

b. Returning students in ELL program, 2004-2005 school year

Returning students who have valid NYSESLAT scores for the reading, listening, writing and speaking sections of the test will be placed as follows. Returning students were placed in an ESL class at the end of the 2003-2004 school year. If the student passed his or her ESL class, he or she was promoted to the next level ESL class. If he or she did not pass the ESL class, he or she was placed in the same ESL level for the 2004-2005 school year. When LHS receives the NYSESLAT scores for the 2003-2004 school year, the Assistant Principal Pupil Personnel Services or a staff member in her office, will print the students' NYSESLAT scores and give the list to the LAB/BESIS coordinator. The LAB/BESIS coordinator will then compare the NYSESLAT placement level with the student's initial placement. If the placement is the same as the initial placement, the student's program will not change. However, if the NYSESLAT placement is different than the initial placement, the LAB/BESIS coordinator will advise the guidance counselor of this discrepancy. The guidance counselor will in turn

modify the student's program to reflect the recommended placement. However, where students score just above or below the NYSESLAT cut-points, ESL teachers may determine the appropriate ESL level for the student.

Returning students who have not taken all sections of the NYSESLAT have been placed initially based on the student's 2003-2004 ESL grade. LHS will also administer the missing NYSESLAT sections in September to returning students who missed one or more portions of the test. Before school begins, students and parents will be notified that the NYSESLAT will be administered in the second week of school. In the first week of the school year, students will receive a written reminder that ESL teachers will discuss with students in ESL class. The reading, writing, listening, and speaking portions of the test will be administered on Monday, September 20, 2004. LHS will track the parts of the test taken by each student. After the students have completed these sections, a review will be conducted to determine which students did not take the missing sections of the test. These students and their parents will be informed that a make up test will be given as follows. The speaking section will be administered on Tuesday, September 21, 2004, and Wednesday, September 22, 2004. The reading, listening, and writing sections will be administered on Thursday, September 23, 2004. The tests will be scored by a regional team and will be completed by October 1, 2004. The regional team will then recommend a placement for the student based on his or her NYSESLAT score. The students' initial placements will be compared with the recommended placement by the LAB/BESIS coordinator. If there is a discrepancy between the student's initial and NYSESLAT placement, the LAB/BESIS coordinator will instruct the guidance counselor to change the student's ESL class placement. However, where students score just above or below the NYSESLAT cut-points, ESL teachers may determine the appropriate ESL level for the student.

If a student still does not have a complete NYSESLAT score after the initial and make up administrations and the student has three NYSESLAT scores that can be evaluated pursuant to two (2) state combinations of modalities (reading and writing, reading and listening, and/or speaking and listening), the student will be placed based on those three scores. However, where students score just above or below the NYSESLAT cut-points, ESL teachers may determine the appropriate ESL level for the student. If two state combinations of modalities are not available, the student will be placed based on available scores as well as his or her performance in his or her ESL class and teacher recommendations.

c. **Returning students, subsequent years**

Training will be provided before the administration of the 2005 NYSESLAT for the LAB/BESIS Coordinator, the Assistant Principal Foreign Languages and all ESL teachers, in administering and scoring the NYSESLAT. The LAB/BESIS Coordinator and the Assistant Principal Foreign Languages will be instructed to notify ELL students and parents of the dates of the test, to ensure that students who are present in ESL class during the testing period take all four parts of the test, and to make reasonable efforts prior to the expiration of the testing period to contact the parents of students who have missed one or more portions of the test and have not made up the missed portion(s). These staff members will further be instructed to notify students of the make-up test date, and to document student attendance, and efforts made to contact the parents of students who have missed one or more parts of the test. No later than Monday of the last week of the testing period, the United States will be provided with a list of students who have not taken the complete NYSESLAT. Students will be placed in accordance with the placement procedures described in paragraph IV.B.2(b) above.

Persons responsible

- a. LAB/BESIS coordinator / will administer the LAB-R and determine appropriate placement for new entrants, and coordinate NYSESLAT administration
- b. Assistant Principal Pupil Personnel Services will develop student programs and ensure students are placed in the appropriate level ESL class (beginner, intermediate, advanced)
- c. Assistant Principal Foreign Languages (will supervise
- d. Principal (Alan Siegel) will supervise
- e. Director of Student Placement, Youth and Family Support Services, Region 7 will oversee
- f. English Language Learner Instructional Support Specialist, Region 7 (will provide training and oversight
- g. Regional Instructional Specialist, Region 7 (will oversee

Training

See training for LAB/BESIS coordinator and others provided in Section A.2. Intake secretaries, guidance counselors and any other guidance staff will be trained at LHS by the Assistant Principal Pupil Personnel Services in this procedure. Training will be provided prior to the administration of the 2005 NYSESLAT for the LAB/BESIS coordinator, the Assistant Principal Foreign Languages and all ESL teachers in administering and scoring the NYSESLAT.

3. *In complying with paragraph IV.B.2, above, the NYCDOE shall ensure that (a) each ELL student in a bilingual education class at LHS is taught in a non-English language that the student understands; and (b) each ELL student is placed in the appropriate level ESL class as indicated by the student's score on the LAB-R, the New York State English as a Second Language Aptitude Test ("NYSESLAT"), and any other test used to place ELL students among ESL levels. The NYCDOE shall ensure that if an ELL student is placed in a manner that contradicts the foregoing obligations, the student is assigned to an appropriate ELL program class, or to the appropriate level ESL class, within three (3) school days from the date when the discrepancy is identified. The NYCDOE also shall ensure that LHS identifies a staff member responsible for ensuring that the foregoing obligations are met and that each teacher of a bilingual class at LHS is instructed to notify the designated staff member immediately if a student is placed in his or her class but does not speak the foreign language of instruction. The parties agree that Mandarin-speaking students who do not understand Cantonese should not be placed in a bilingual class where oral instruction is provided in Cantonese, and that Cantonese-speaking students who do not understand Mandarin should not be placed in a bilingual class where oral instruction is provided in Mandarin.*

Proposal

For new entrants to the New York City public school system, the student's Home Language, assigned ESL level, the language of the assigned bilingual class, and the student's LAB-R score, will be recorded on the ELL student checklist. A copy of the ELL checklist is annexed hereto as Appendix "B." Every ESL and bilingual teacher at LHS will be trained to identify students incorrectly placed in his/her class(es). If a student is incorrectly placed, the teacher will report this to the Assistant Principal Foreign Languages. The Assistant Principal Foreign Languages will immediately report the incorrect placement to the Assistant Principal Pupil Personnel Services who will record this error in the student's file, and place the student in the appropriate class.

All Chinese bilingual classes at LHS are taught in Mandarin or Cantonese. No Cantonese speaking student will be placed in a bilingual Mandarin class, and no Mandarin speaking student will be placed in a Cantonese bilingual class. Review will be

conducted by the English Language Learner Instructional Support Specialist, to ensure student placements are correct.

Persons responsible

- a. Assistant Principal Foreign Languages
- b. Assistant Principal Pupil Personnel Services
- c. Principal (Alan Siegel) will supervise
- d. Director of Student Placement, Youth and Family Support Services, Region 7 (
- e. English Language Learner Instructional Support Specialist Region 7 (
- f. LAB/BESIS coordinator (

Training

See IV.A.2. Guidance counselors will be instructed by the Assistant Principal Pupil Personnel not to place students in a bilingual class in which they do not understand the language during the professional development period at the beginning of September 2004.

4. *The NYCDOE shall take appropriate measures to minimize any interference with ELL students' equal participation in LHS's instructional programs that may result from the placement of more than the optimal number of ELL students in an ELL class and shall take reasonable steps to reduce the likelihood of such overcrowding. Appropriate measures may include the assignment of additional teacher's aides to any such classes, tutoring programs for students in such classes, or other measures that the NYCDOE deems appropriate. The parties agree that, for the purposes of this Consent Decree, the optimal number of ELL students in an ELL class shall not be less than the maximum number of students that the NYCDOE's collective bargaining agreement with the New York City teacher's union that is in effect at the time permits to be placed in any class.*

Proposal

The Assistant Principal Pupil Personnel Services will monitor the size of ESL and bilingual classes. If ESL classes exceed the optimal number, the Assistant Principal Pupil Personnel Services will notify the Principal who will devise an appropriate measure to rectify the overcrowding. The optimal number for ESL or bilingual classes at LHS is 34 students or as otherwise permitted

by the collective bargaining agreement. The following measures may be used to address overcrowding: creation of new classes (where space is available for such classes) and/or limiting the number of students assigned to a particular class initially to allow for space later in the school year for additional students to be placed in those classes.

Persons responsible

- a. Assistant Principal Pupil Personnel Services (
- b. English Language Learner Instructional Support Specialist Region 7 (
- c. Director of Student Placement, Youth and Family Support Services, Region 7 (

Training

Assistant Principal Pupil Personnel Services has been instructed to limit ESL and bilingual class sizes to 34 students, and to report any classes which have more than 34 students to the Principal. This instruction will be repeated during the professional development period in September 2004.

C. Academic Counseling

1. *The NYCDOE shall ensure that whenever an LHS guidance counselor or LHS administrator acting in his or her administrative capacity has a scheduled meeting with an ELL student about any topic concerning that student's participation in the school's instructional program--including information on the ELL program; annual academic planning; course, credit and graduation requirements (including the option to attend night school or to remain at LHS to complete the student's education, if such topics are discussed); transcript review and class or grade placement; attendance or lateness problems; risk of retention, dropout or significant academic failure--and, in meetings with guidance counselors regarding disciplinary actions that could result in missed class time, the communication shall be in a language the student understands as provided in subparagraphs (a) and (b), below:*

(a) *for ELL students identified through the LAB-R, NYSESLAT, or successor test that was most recently administered to the student as at the Beginner level for ESL, all of the information communicated shall be communicated either orally or in writing in the student's primary language for students whose primary language is spoken at home by 100 or more New York City public school students, and for other students to the extent practicable, unless the student affirmatively states that he or she is able to communicate effectively in English about the subject being discussed or that he or she does not want interpretation or translation services;*

(b) *for ELL students identified through the LAB-R, NYSESLAT or successor test that was most recently administered to the student as at the Intermediate or Advanced level for ESL, the information may be communicated in English, except that interpreter services shall be provided for students whose primary language is spoken at home by 100 or more New York City public school students, and for other students to the extent practicable, if in the judgment of the guidance counselor or administrator, the student needs interpreter services in order to communicate effectively about the subject that is being discussed, or if interpreter services are requested by the student. If interpretation or translation services are required, the LHS guidance counselor must schedule the appointment for a time when such services and the student are available. The NYCDOE shall identify in the Compliance Plan the interpretation or translation services that LHS may employ.*

Proposal

LHS may employ the following interpretation or translation services: teachers at LHS who are fluent in foreign languages and/or interpreter contracts. The Department of Education currently holds contracts with a number of agencies that provide interpretation and/or translation services. Twenty-nine (29) languages spoken by LHS ELL students are covered by one or more of the interpreter contracts. These languages include, but are not limited to, Afrikaans, Albanian, Amoy/Fukinese; Arabic; Bengali; Cantonese; Chinese; Dari/Farsi/Persian; Filipino; Haitian-Creole; French; Georgian; Greek; Hindi; Italian; Korean; Lithuanian; Mandarin; Punjabi; Polish; Russian; Serbo-Croatian; Sinhalese; Spanish; Slovenian; Turkish; Urdu; Ukranian; and Vietnamese. The staff at LHS is also available to interpret in Chinese and Spanish and will be canvassed to determine if other languages are available. LHS will be provided with a list of resources that are available and the languages that are covered.

Interpreter services will be provided through in-person assistance or over the telephone. LHS is installing or upgrading existing telephone equipment to facilitate the provision of interpretation assistance for students and parents. This equipment will be installed before the beginning of the 2004-2005 school year.

LHS will maintain a list of the ESL level of each ELL student. That list will be developed at the beginning of the year, and regularly updated as new students enroll at LHS. Each guidance counselor, assistant principal and dean will be provided a copy of this list, and a copy will be maintained in the principal's office. Guidance counselors and school administrators will be instructed to be familiar with the ESL level of the students on the list. They will be instructed as to the requirements of when interpreter services must be provided, in accordance with the consent decree.

Staff will also be trained in the various methods by which interpreter services can be accessed.

For a Beginner student whose primary language is spoken by 100 or more New York City public school students, the guidance counselor will arrange for interpretation services for scheduled meetings with the student about the student's participation in the school's instructional program, unless the student affirmatively states that he or she is capable of communicating in English or that he or she does not want such services. The same services in the same circumstances will be provided for all other Beginner students to the extent practicable, as described in the proposal for Paragraph IV.C.2, below. For an Intermediate or Advanced student whose primary language is spoken by 100 or more New York City public school students, the guidance counselor will arrange for interpreter services for scheduled meetings with the student about the student's participation in the school's instructional program if the guidance counselor is unable to communicate effectively with the student or the student requests interpretation services. The same services in the same circumstances will be provided for all other Intermediate or Advanced students to the extent practicable, as described in the proposal for Paragraph IV.C.2, below.

Each guidance counselor will maintain a log which will track meetings with ELL students and record the child's ESL level (beginner, intermediate, advanced), the nature of the conversation, whether the guidance counselor determined that the student needed services, whether the student requested services, whether the student affirmatively rejected services and whether and what services were provided.

LHS will place a written notice in each student's file reminding the counselor of his/her obligation to arrange for interpreter services, as set forth above, for ELL students.

Guidance counselors will also receive training on their obligations to record the required information on the log and how to determine when communication with a student is ineffective such that interpretation services are required. Guidance counselors will be instructed on how to determine when a student requires interpreter services to communicate effectively. Guidance counselors will receive this training during the staff development period at the beginning of the school year.

Persons responsible

- a. Principal (Alan Siegel)
- b. Assistant Principal Pupil Personnel Services
- c. Assistant Principal Operations () will ensure that telephone equipment is operational and will track the availability of interpreter services provided by the contracts
- d. Local Instructional Superintendent, Region 7 will oversee
- e. English Language Learner Instructional Support Specialist Region 7 will oversee
- f. Director of Student Placement, Youth and Family Support Services, Region 7 will oversee
- g. Director of Translation Interpretation Unit will be responsible for maintaining interpreter services contracts and designating someone to provide training

Training

Guidance counselors and administrators will be trained in the need to be familiar with the ESL level of the ELL students in their caseload (guidance) or the school (administrators); and in the interpreter services that must be available based on the students' ESL level. Guidance counselors and administrators will be trained on how to access interpreter contract services.

2. *For the purposes of Section IV.C, IV.F. and V.D.1 of this Consent Decree, it shall be deemed practicable for the NYCDOE to provide communication in a language spoken by fewer than 100 New York City public school students if the NYCDOE, using reasonable efforts, can provide interpreter or translation services in that language through the use of qualified NYCDOE employees assigned to LHS or a qualified contract interpreter agency. For the duration of this Consent Decree, the NYCDOE shall notify the United States in writing of the following information within three weeks of the beginning of each semester, on November 1, May 1, and within one week following the end of each school year: (1) the language(s) spoken by LHS ELL students at home that are not spoken at home by 100 or more New York City public school students, and the number of LHS ELL students who speak each such language; and (2) whether NYCDOE has determined that providing interpretation or translation services in any such language would not be practicable and, if so, the language(s) for which services would not be practicable and the reason(s) therefor.*

Proposal

If a newly enrolled student is determined to be eligible for ESL services and speaks a language not spoken by any other LHS student, the languages provided under the contract(s) for telephone interpreter services will be checked to determine if interpreter services are available for this language. If the telephone contract does not offer interpreter services for this language, DOE will check its Human Resources database to determine whether any DOE teacher is certified bilingual in the language. If any such teacher is identified, outreach efforts will be made to determine his/her availability to provide interpreter services as a per session employee. If no such teacher is identified, the DOE will consider whether additional options are available. Currently, the only language at LHS that does not meet the "100 plus" standard is Slovenian, which is covered by an interpreter contract.

The Assistant Principal Pupil Personnel Services, the Assistant Principal Operations, and guidance counselors will be trained on the procedure during the staff development period at the beginning of the school year.

Persons responsible

- a. Assistant Principal Pupil Personnel Services
will supervise guidance staff in identifying new languages at registration
- b. Assistant Principal Operations () will
oversee logistics of accessing interpreter contracts and equipment
- c. Director of Translation Interpretation Unit ()
will oversee interpreter services contracts, provide Central Support
and will designate someone to provide training

Training

The Assistant Principal Pupil Personnel Services, the Assistant Principal Operations, and guidance counselors will be trained on the procedure.

3. *The NYCDOE shall ensure that LHS provides written notice to ELL students of the availability of interpreter and translation services in the circumstances set forth in paragraph IV.C.1. no later than October 1 of each school year, or before the first meeting covered by paragraph IV.C.1. occurs, if such a meeting occurs before October 1 of any year, and, for ELL students who enroll after notice has been provided to other students, no later than*

10 school days after the student is identified as eligible for the ELL program. The written notification shall be provided in ten languages and shall make clear that such services will be provided at no cost to the student. For an ELL student whose primary language is not one of the ten languages in which the NYCDOE has provided written notice, once per year, at or before the beginning of that student's first meeting covered by paragraph IV.C.1, the student shall be provided notice in a manner designed to ensure the student's understanding of the availability of the interpretation or translation services required by paragraph IV.C.1. and that such services will be provided at no cost to the student.

Proposal

Notice regarding interpreter services will be provided to and discussed with students in their ESL classes during the first month of the school year. The notice will be provided to new students during the enrollment process, when it is determined that a student is an ELL student. A copy of the notice is annexed hereto as Appendix "C."

An outside vendor will be used to translate the notice into Spanish, Chinese, Urdu, Bengali, Korean, Haitian-Creole, Polish, Albanian, Arabic, and Russian. For students who do not speak one of the aforementioned languages, ESL teachers will inform these students, using ESL pedagogical techniques, of the availability of interpreter services. ESL teachers will also be informed of their responsibility to explain the availability of interpreter services to their ELL students during the staff development period at the beginning of the school year.

Persons responsible

- a. Assistant Principal Pupil Personnel Services
is responsible for ensuring that students receive this notice when they register at LHS
- b. Assistant Principal Foreign Languages will ensure that the notice is made available for all students enrolled in ESL or bilingual classes
- c. Principal (Alan Siegel) will supervise
- c. Director of Translation Interpretation Unit will be responsible for ensuring that the notice is translated and for designating someone to provide training

Training

The Assistant Principal Pupil Personnel Services and Assistant Principal Foreign Languages, will be trained on responsibility to distribute notice and about the availability of interpreter services, in order to respond to student questions about this service.

4. *The NYCDOE shall ensure that LHS guidance counselors and administrators meet with ELL students in all circumstances pertaining to student's participation in the school's instructional program under which LHS guidance counselors or administrators regularly meet with non-ELL students at LHS.*

Proposal

Guidance counselors and administrators will be instructed to meet with ELL students in all circumstances pertaining to student's participation in the school's instructional program under which LHS guidance counselors or administrators regularly meet with non-ELL students at LHS.

Persons responsible

- a. Assistant Principal Pupil Personnel Services
will be responsible for training and oversight of guidance counselors
- b. Director of Student Placement, Youth and Family Support Services, Region 7 () will be responsible for training and oversight

Training

Guidance counselors and administrators will be trained on their obligations to meet with all students with regard to circumstances pertaining to student's participation in the school's instructional program under which LHS guidance counselors or administrators regularly meet with non-ELL students at LHS. Training will be provided during the staff development period in the beginning of September 2004.

D. ELL Teachers

The NYCDOE shall ensure that each teacher of an ELL program class is certified or otherwise qualified to teach the subject matter of the course, teach ELL students, and teach in the language of instruction. The NYCDOE shall explain in its Compliance Plan how it will ensure that such teachers are so qualified.

Proposal

LHS will only use teachers who have ESL and bilingual certifications to teach these classes and who are certified to teach in their subject matter area. The principal will review teachers' certifications to ensure that they possess the relevant certifications.

Persons responsible

- a. Principal (Alan Siegel)
- b. Local Instructional Superintendent (

E. Recently Exited ELL Students

The NYCDOE shall ensure that LHS makes available to each student who has completed the ELL program transitional services to facilitate the student's transition into the mainstream English instructional program; that such transitional services shall be available for one year after the student exits the ELL program; and that LHS informs each ELL student upon exiting the ELL program of the availability of the transitional services.

Proposal

Tutoring services will be available as transitional services for recently exited ELL students. These services will be available to the student for one year after the student exits the ELL program. When a student tests out of the ELL program based on his/her NYSESLAT score, he/she will receive written information regarding the transitional services available.

Persons responsible

- a. Director of the Title VII program () will develop the notice about the transitional services
- b. Assistant Principal Foreign Languages will supervise
- c. Principal (Alan Siegel) will supervise
- c. English Language Learner Instructional Support Specialist Region 7 will oversee

F. Communication with ELL Parents

1. *The NYCDOE shall ensure that whenever a parent of an ELL student meets with an LHS teacher, administrator, or guidance counselor for a parent-teacher conference or any other scheduled meeting, whether in person or by telephone, concerning the ELL student's participation in the school's instructional program, interpreter services shall be provided for parents of ELL students whose primary language is spoken at home by 100 or more New York City public school students, and for parents of other ELL students to the extent practicable, if interpreter services are requested by the parent, or if in the LHS staff member's judgment, the parent needs interpreter services in order to communicate effectively about the subject that is being discussed. Appointments for such meetings shall be scheduled for a time when the parent, the LHS staff member and interpretation or translation services are available. The NYCDOE shall identify in the Compliance Plan the interpretation or translation services that LHS may employ.*

Proposal

LHS may employ the following interpretation or translation services: teachers at LHS who are fluent in foreign languages and/or interpreter contracts. The Department of Education currently holds contracts with a number of agencies that provide interpretation and/or translation services. Twenty-nine (29) languages spoken by LHS ELL students are covered by one or more of the interpreter contracts. These languages include, but are not limited to, Afrikaans, Albanian, Amoy/Fukinese; Arabic; Bengali; Cantonese; Chinese; Dari/Farsi/Persian; Filipino; Haitian-Creole; French; Georgian; Greek; Hindi; Italian; Korean; Lithuanian; Mandarin; Punjabi; Polish; Russian; Serbo-Croatian; Sinhalese; Spanish; Slovenian; Turkish; Urdu; Ukranian; and Vietnamese. The staff at LHS is also available to interpret in Chinese and Spanish and will be canvassed to determine if other languages are available. LHS will be provided with a list of resources that are available and the languages that are covered.

For all parents of ELL students whose primary language is spoken at home by 100 or more New York City public school students, the parent coordinator or staff member will arrange for interpreter services for scheduled meetings and conferences with parents who request interpreter services or with whom the staff cannot communicate effectively. For all other parents, these interpretation services will be provided to the extent practicable, as described in the proposal for Paragraph IV.C.2, above.

Interpreter services will be provided through in-person assistance or over the telephone. LHS is installing or upgrading existing telephone equipment to facilitate the provision of interpretation assistance for students and parents. This equipment will be installed before the beginning of the 2004-2005 school year.

LHS will maintain a list of the ESL level of each ELL student to determine which parents are eligible to receive interpreter services. That list will be developed the beginning of the year, and regularly updated as new students enroll at LHS. Each guidance counselor, assistant principal and dean as well as the Principal and parent coordinator, will be provided a copy of this list, and a copy of the list will be maintained in the principal's office. School staff will be instructed as to the requirements of when interpreter services must be provided, in accordance with the consent decree. Staff will also be trained in the various methods by which interpreter services can be accessed.

If the guidance counselor is unable to communicate with the parent, the guidance counselor will arrange for interpreter services. Each guidance counselor will maintain a log which will track meetings with ELL students' parents and record the nature of the conversation, whether the guidance counselor determined that the student's parent needed services, whether the parent requested services, and whether and what services were provided.

Guidance counselors will also be trained on how and when to record whether interpreter services were used or needed to communicate with the parents effectively about the subject matter being discussed. Guidance counselors will also receive training on how to recognize whether a parent requires interpreter services in order to understand or communicate effectively in English. This training will be provided during the staff development period at the beginning of the school year.

Persons responsible

- a. Principal (Alan Siegel)
- b. Assistant Principal Operations ()
- c. Parent coordinator ()
- d. Local Instructional Superintendent ()
- e. Director of Translation Interpretation Unit ()
will be responsible for designating someone to provide training on how to access the interpreter contracts

Training

Guidance counselors, administrators, teachers and the parent coordinator will be trained on how to access interpreter contract services and when interpreter services for parents are required.

2. *The NYCDOE shall ensure that LHS makes available to parents of ELL students who speak a language spoken at home by 100 or more New York City public school students, and to other parents of ELL students to the extent practicable, assistance in interpreting or translating documents intended for parents concerning students' participation generally, or the individual student's participation, in the school's instructional program.*

Proposal

Parents of ELL students will be given written notice described in the proposal for section IV.F.3, below, according to the timetable set forth therein. DOE will endeavor to translate the notice into the vast majority of languages at LHS. Parents will be directed to contact the parent coordinator to arrange for assistance in interpreting or translating documents. The parent coordinator will then arrange for interpretation services to be provided to the parent either by phone or during an in-person appointment. If necessary, the author of the document addressed to the parent will also be available to meet with the parents to explain the document.

If a parent of an ELL student speaks a language not spoken by any other LHS student, the languages provided under the contract(s) for telephone interpretation services will be checked to determine if interpreter services are available for this language. If the telephone contract does not offer interpreter services for this language, DOE will check its Human Resources database to determine whether any DOE teacher is a certified bilingual in the language. If any such teacher is identified, outreach efforts will be made to determine his/her availability to provide interpretation services as a per session employee. If no such teacher is identified, the DOE will consider whether additional options are available. Currently, the only language at LHS that does not meet the "100 plus" standard is Slovenian, which is covered by an interpreter contract.

Persons responsible

- a. Parent Coordinator (
- b. Assistant Principal Operations (will oversee logistics of accessing interpreter contracts and equipment

- c. Local Instructional Superintendent, Region 7
) will oversee
- d. Director of Translation Interpretation Unit
 will oversee interpreter services contracts, provide Central Support
 and will designate someone to provide training

Training

The parent coordinator and Assistant Principal Operations will be trained on the procedure for assisting parents with the translation and/or interpretation of documents at the beginning of the school year.

3. *The NYCDOE shall ensure that LHS provides written notice to ELL parents of the availability of interpreter and translation services in the circumstances set forth in paragraphs IV.F.1. and IV.F.2. no later than October 1 of each school year, or before the first meeting covered by paragraph IV.F.1. occurs, if such a meeting occurs before October 1 of any year, and, for parents of an ELL student who enrolls after such notice has been provided to other parents, no later than 10 school days after the ELL student is identified as eligible for the ELL program. The written notification shall be provided in ten languages and shall make clear that such services will be provided at no cost to the parents. For an ELL student's parent whose primary language is not one of the 10 in which the NYCDOE has provided written notice and who speaks a language spoken at home by 100 or more New York City public school students, and for all other ELL students' parents to the extent practicable, the NYCDOE shall: once per year, at or before the beginning of that parent's first meeting covered by paragraph IV.F.1, provide notice to the parent in a manner designed to ensure the parent's understanding of the availability of the interpretation or translation services required by paragraphs IV.F.1 and IV.F.2. and that such services will be provided at no cost to the parents.*

Proposal

Notice regarding the availability of the translation and interpreter services described in the proposals for IV.F.1 and IV.F.2 will be provided to parents. The notice will be translated into the following languages: Arabic, Bengali, Chinese; Haitian-Creole; Korean; Lithuanian; Polish; Russian; Spanish; and Urdu. In order to provide notice to parents who do not speak one of the aforementioned languages, parents will receive the notice translated into the vast majority of languages spoken at LHS and covered by an existing contract. The notices will be distributed for parents of returning students on or before October 1, 2004, and for parents of new students, no later than 10 school days after the ELL student is identified as eligible for the ELL program. For parents who speak other languages spoken by 100 or more New York City

public school students, notice will be provided in English as described above. If interpreter services are necessary for the parent to understand, before or at the first meeting covered by paragraph IV.F.1, notice will be provided in the parent's language. For parents who speak languages spoken by less than 100 New York City public school students, notice will be provided in English as described above. If interpreter services are necessary for the parent to understand, before or at the first meeting covered by paragraph IV.F.1, notice will be provided in the parent's language to the extent practicable (as described in the proposal for Paragraph IV.C.2. above). The text of the notice is included in appendix "C."

Persons responsible

- a. Assistant Principal Pupil Personnel Services () is responsible for ensuring that parents receive this notice when they register their children at LHS
- b. Assistant Principal Foreign Languages () is responsible for instructing ESL teachers to distribute the notice to students in their ESL classes
- c. Principal (Alan Siegel) will supervise
- b. Parent Coordinator ()
- e. Director of Translation Interpretation Unit () will responsible for overseeing translation of the notice

Training

Training will be provided to the Assistant Principal Pupil Personnel Services and parent coordinator concerning their obligation to notify parents of the availability of interpreter services during the professional development period at the beginning of the school year.

4. *The NYCDOE shall translate the preprinted text of the following documents into Spanish, Chinese, Russian, Bengali, Haitian Creole and Urdu: (a) written parent orientation materials concerning the ELL program; (b) any form documents used by LHS to notify parents of graduation requirements; (c) any form letters used by LHS to notify parents that a child's promotion to the next grade is in doubt; and (d) LHS's "Report to Parents" or any successor form document used to notify parents that a student is not progressing satisfactorily. The NYCDOE shall ensure that LHS distributes to each ELL parent in the same manner as notices are distributed to other parents a translation of each document that the parent can*

understand, provided however that if the parent does not speak Spanish, Chinese, Russian, Bengali, Haitian Creole or Urdu. LHS shall distribute the English-language version of each document to the parent. Such English-language documents will be accompanied by written notification that, upon request, LHS will make available to parents assistance in interpreting and translating these documents. LHS shall make available to parents assistance in interpreting or translating such documents pursuant to paragraph IV.F.2, above.

Proposal

The parent coordinator will distribute materials regarding the ELL program to parents of a new entrant ELL student at the time of the student's enrollment. The materials will be available to parents in the parent coordinator's office. Guidance counselors and teachers will be informed of the availability of the form letters described above and instructed to distribute them in the appropriate language or with the notice of translation/interpreter services. Translated documents concerning the ELL program will be available at the beginning of the school year. All other documents will be available at the time of the school year when the English version of the document is distributed to the students.

Persons responsible

- a. Team Manager for English Language Learners
- b. Director of Translation Interpretation Unit
 - c. Principal (Alan Siegel) will inform staff of the availability of the forms and maintain copies of the forms

Training

Teachers, guidance counselors and the parent coordinator will be trained on their responsibilities to distribute forms in the appropriate language, and to respond to parent requests for translation or interpretation of notices, during the staff development period in September 2004.

G. Use of Student Interpreters

The NYCDOE shall ensure that LHS instructs all staff by June 1, 2004, that students shall not be used as interpreters except in emergency situations.

Proposal

A memorandum was distributed to all staff in their mailboxes on April 1, 2004, which instructed staff members not to use students as interpreters except in emergency situations. The memorandum

will be redistributed at the start of each school year. A copy of the memorandum is annexed hereto as Appendix "D."

Person responsible

Principal (Alan Siegel)

V. HARASSMENT

A. General Provisions

1. *Defendants shall not respond unreasonably to allegations of student-on-student harassment on the basis of race, color or national origin at LHS.*

Proposal

Defendants have developed an Anti-harassment policy which outlines the process for investigating allegations that may constitute harassment based on race, color or national origin at LHS (the "Anti-harassment Policy") and responding to substantiated instances of harassment. A copy of the Anti-harassment Policy is annexed hereto as Appendix "E". Staff will be trained and students will receive instruction on the policy. (see below)

2. *Defendants shall not retaliate against any student or employee because that student or employee has alleged or opposed student-on-student harassment on the basis of race, color or national origin at LHS, or because that student or employee has participated or assisted in making or filing a complaint against LHS or NYCDOE officials concerning student-on-student harassment on the basis of race, color or national origin. The parties agree that nothing in this paragraph shall be construed as creating a private right of action for, or authorizing intervention in this action by, any individual.*

Proposal

Written notice will be provided to all staff at LHS that retaliation against students or employees for participating or assisting in making or filing a complaint against LHS or NYCDOE officials concerning student-on-student harassment on the basis of race, color or national origin is prohibited. This notice will be distributed to staff during the staff development period at the beginning of the school year. Staff will also be instructed that retaliation in this context is defined as taking adverse action against a staff member or student because he or she has participated or assisted in making or filing a complaint against LHS or NYCDOE officials concerning student-on-student harassment on the basis of race, color or national origin or assisting the United States at any time with its investigation into harassment at LHS and its enforcement of the Consent Decree. Staff members will be instructed that if they feel they have been retaliated against for assisting the United States, complaints should be filed with the

Office of the Special Commissioner of Investigation and/or the attorneys for the United States or, in the case of alleged retaliation for participating or assisting in the reporting or investigating of a complaint concerning student on student harassment, the Director of the Office of Labor Relations. Under the Anti-harassment policy, students may make complaints regarding retaliation to the Assistant Principal Security or to the Director of Student Placement, Youth and Family Support Services.

Persons responsible

- a. Principal (Alan Siegel)
- b. Assistant Principal Security (
- c. Local Instructional Superintendent (
- d. Director of Student Engagement Services, Office of Youth Development (will oversee training

Training

All staff will be notified of the prohibition of retaliation during the anti-harassment training which will be held during the staff development period at the beginning of the school year. Students will receive instruction on the prohibition during student training described below.

B. Anti-harassment Policy

1. *The NYCDOE shall ensure that LHS develops a policy that clarifies the obligations of LHS personnel to report incidents of student-on-student harassment based on race, color or national origin that LHS personnel witness or of which they have received reports, whether such incidents are verbal or physical.*

Proposal

The Anti- harassment Policy is annexed hereto as Appendix "E."

2. *The policy shall a) require LHS to implement reasonable measures designed to prevent student-on-student harassment based on race, color or national origin, to investigate complaints of such harassment fully and promptly, and to discipline perpetrators of such harassment appropriately; b) define student-on-student harassment based on race, color or national origin, and provide written examples of such harassment; c) identify LHS staff members*

to whom reports of student-on-student harassment based on race, color or national origin may be made, provided that at a minimum the policy shall provide for reports to be accepted either in writing or orally by any of the following: teachers, guidance counselors, coaches, administrators, and the "LHS designated staff member" required by paragraph V.C.2, below; d) require any LHS personnel who has received such a complaint of harassment to report it to the LHS designated staff member; e) provide reasonable means by which ELL student-victims can communicate their complaints in a language they understand; f) require all LHS personnel to report to the LHS designated staff member any student-on-student harassment that they witness or have reason to believe occurred, and that they have reason to believe may be based on race, color or national origin; g) encourage LHS personnel to intervene to stop any such harassment that they witness, unless circumstances would make such intervention dangerous; h) prohibit retaliation against those who report such harassment or assist in an investigation; and i) identify a NYCDOE office outside of LHS to which a parent or student may file a complaint concerning the response by LHS to a complaint of student-on-student harassment based on race, color or national origin and the method of filing such complaint.

Proposal

The Anti-harassment Policy is annexed hereto as Appendix "E" and contains terms addressing the above provisions of the Consent Decree. Interpretation assistance will be provided in accordance with section IV.C.1 of the consent decree and the compliance plan.

C. Prevention of Harassment

1. *The NYCDOE shall ensure that LHS develops and distributes to students written materials that explain the LHS anti-harassment policy described in paragraphs V.B.1. and V.B.2, above; what student-on-student harassment based on race, color or national origin is; the LHS personnel to whom such harassment may be reported; and the name of the LHS staff member responsible for investigating complaints of such harassment. Such materials may include handouts for students or posters. The written materials given to students or posted for students to see shall be printed in English, Chinese, Urdu, Arabic and Bengali and shall be otherwise communicated to all Asian students at LHS in a manner that facilitates their understanding. LHS shall complete the development and distribution of the materials required by this paragraph before October 1, 2004.*

Proposal

A pamphlet explaining the Anti-harassment policy will be completed and distributed in English and ESL classes by October 1, 2004. The pamphlet will explain what student-on-student harassment is, identify the LHS personnel to whom complaints may be made, the staff members responsible for investigating the complaints, and that complaints can be made to any staff member at LHS. Additionally, ESL teachers will discuss the materials in their classes, and make translated copies of the materials available

to students. Posters advising of the manner in which to report incidents of alleged harassment will be displayed outside the guidance office, the main office and in the cafeteria. Copies of the pamphlet in all languages will also be maintained in the guidance office and in the Title VII room and will be distributed to students who enroll after October 1, 2004, by the guidance office. An outside vendor will be used to translate the text of the pamphlet and poster into Chinese, Urdu, Arabic, and Bengali.

Persons responsible

- a. Assistant Principal English () - responsible for overseeing distribution in English classes
- b. Assistant Principal Foreign Languages () - responsible for overseeing distribution in ESL classes
- c. Principal (Alan Siegel)
- d. Assistant Principal Pupil Personnel Services ()
- e. Director of Student Engagement Services, Office of Youth Development () - oversee development and translation of the pamphlet and poster

2. *The NYCDOE shall, before the beginning of the 2004-05 school year, ensure that LHS designates one LHS dean or administrator ("LHS designated staff member") responsible for receiving reports of student-on-student harassment that may be based on race, color or national origin from students or from LHS or New York City Police Department ("NYPD") personnel who have received such harassment complaints from a student. LHS shall ensure, with primary responsibility upon the LHS designated staff member, that all such reports of such harassment are investigated fully and promptly and that the perpetrators of such harassment are referred to the appropriate school official for disciplinary action.*

Proposal

The Assistant Principal Security will be designated as the LHS designated staff member. For the 2004-2005 school year, there are eight deans at Lafayette who will provide assistance, as needed, to ensure that reports are investigated fully and promptly. See also V.D.1 below.

Persons responsible

- a. Assistant Principal Security ()
- b. Principal (Alan Siegel)
- c. Safe Schools Coordinator, Region 7 – oversight responsibility ()

3. *The NYCDOE shall ensure that the "LHS designated staff member" and any personnel assigned to assist the LHS designated staff member are trained on how properly to investigate and otherwise respond to each allegation or complaint of student-on-student harassment that may be based on race, color or national origin. Such training shall be completed no later than October 1, 2004.*

Proposal

The Assistant Principal Security and the deans responsible for investigating complaints will be trained in procedures for identifying incidents of harassment and investigating and responding to these complaints. Training will take place during the staff development period at the beginning of the school year.

Persons responsible

- a. Deputy Director of the Chancellor's Office of Special Investigations () and a staff member from Region 7 will conduct the training
- b. Director of Student Engagement Services, Office of Youth Development () will organize the training

Training

Topics for this training will include defining harassment; handling a harassment complaint; procedures for investigating a harassment complaint; responding to harassment; completing the harassment complaint form; and addressing complaints of retaliation. Training will take place during the staff development period at the beginning of the school year.

² is no longer the School Safety Coordinator for Region 7. is assuming the responsibilities of that position until a successor is appointed.

4. *The NYCDOE shall ensure that LHS implements training of teachers, administrators, school aides, deans, guidance counselors and any LHS personnel charged with supervising the behavior of students, on procedures for reporting instances of possible student-on-student harassment based on race, color or national origin, and on how to recognize, prevent and respond appropriately to such harassment. Such training shall occur at least once each school year, with the initial training to be completed no later than October 1, 2004.*

Proposal

Teachers, administrators, Assistant Principals, school aides, deans, and guidance counselors, will be trained on procedures for reporting instances of possible student-on-student harassment based on race, color or national origin; how to recognize, prevent and respond appropriately to such harassment; and other provisions of LHS's Anti-harassment policy. This training will be provided in during professional development held the week before school begins.

Persons responsible

- a. Training will be provided by the Anti-Defamation League on "How to Recognize, Prevent and Respond to Discrimination/Harassment."
- b. Director of Student Engagement Services, Office of Youth Development (), will oversee
- c. DOE legal staff (), will conduct the training on the Anti-harassment policy.

Training

Topics for this training will include defining harassment; handling a harassment complaint; and procedures for investigating a harassment complaint. Staff members will also be instructed to make reports of harassment to the Assistant Principal Security; on their responsibilities for identifying, reporting, and responding to incidents of harassment; on interacting with parents; and on the ban on retaliation.

5. *The City of New York shall ensure that all NYPD School Safety Agents assigned to LHS, including supervisors, (SSAs) receive the training required by paragraph V.C.4, above, and are instructed to report to appropriate LHS personnel any complaints they receive from students of student-on-student harassment that is reported as being, or that the SSAs have reason to believe may be, based on race, color or national origin. The NYCDOE*

shall identify in its Compliance Plan the types of LHS personnel to whom it would be appropriate for an SSA to report such harassment.

Proposal

SSAs will participate in the same training provided by DOE for LHS staff in the week before the school year begins, concerning LHS's anti-harassment policy; the procedures for reporting instances of possible student-on-student harassment based on race, color or national origin; and how to recognize, prevent and respond appropriately to such harassment. SSAs will be instructed to report to the LHS Assistant Principal Security any complaints they receive of student-on-student harassment that are reported to be, or that they have reason to believe may be, based on race, color, or national origin.

Persons responsible

Captain New York City Police Department, School Safety Division, will be responsible for ensuring that SSAs assigned to LHS are instructed to report to DOE for the training described above. will also be responsible for ensuring that SSAs assigned to LHS are instructed to report to the LHS Assistant Principal Security complaints they receive of student-on-student harassment that are reported to be, or that they have reason to believe may be, based on race, color, or national origin.

6. *The NYCDOE shall ensure that LHS develops a student committee to address matters concerning student-on-student harassment based on race, color or national origin.*

Proposal

A diverse group of students will be recruited in September of each school year. Students will be recruited from the student body as a whole, in an effort to obtain representation from all four grades. The faculty advisors will post flyers asking students whether they would be interested in becoming peer educators. In addition, the faculty advisors will ask students in the Council for Unity classes, students who are members of the Students Organizations Council, and the Senior Council if they are interested in participating in the peer education program. (Members of the Student Organizations Council and the Senior Council are elected by their peers; students enroll in Council for Unity class.) Students will also be recruited

following training of 9th graders provided by the City University of New York Creative Arts Team ("CUNY CAT") program. LHS's goal is to recruit approximately sixty (60) students to participate in the training.

These students will meet twice a month; one meeting will be with faculty advisors, and the second meeting will be part of the Principal's monthly meeting with student leaders. Some members of the student committee will be involved in planning and conducting the training described in paragraph V.C.7 of the consent decree. Student committee members will also be involved in planning multicultural activities, and will discuss any concerns raised by their peers concerning student on student harassment based on race, color or national origin.

Persons responsible

- a. Faculty Advisors ()
- b. Principal (Alan Siegel)
- c. Director of Student Engagement Services, Office of Youth Development '
- d. Director of Student Placement, Youth and Family Support Services, Region 7 (

7. *The NYCDOE shall ensure that LHS conducts annual diversity and tolerance training for students over the course of each school year, and that students play an active role in providing the training.*

Proposal

Students, including members of the student committee, and teachers who work with the student committee will conduct annual diversity and tolerance training. Assemblies will be held over the course of the school year. For students in the ninth grade, this training will be provided by The City University of New York Creative Arts Team ("CUNY CAT"). Students who are interested in becoming peer educators will participate in a three (3) day training held by the Anti-Defamation League. The students will be trained as peer educators and will in turn hold diversity workshops for students in the tenth, eleventh and twelfth grades under the guidance of the faculty advisors.

Persons responsible

- a. Faculty Advisors (
- b. Principal (Alan Siegel)
- c. Director of Student Placement, Youth and Family Support Services, Region 7 - oversight

Training

Training topics may include:

- a. communication and resolving conflict
- b. appreciating cultural diversity
- c. bias, prejudice and discrimination

D. Responding to Harassment

1. *LHS officials shall fully and promptly investigate complaints of student-on-student harassment that may be based on race, color or national origin, discipline appropriately students determined to be responsible for such harassment, and make reasonable efforts to keep parents informed of the school's actions in response to such harassment in a language the students and parents understand in accordance with the interpretation and translation requirements set forth in paragraphs IV(C)(1)-(2) and F, above.*

Proposal

The Assistant Principal Security will ensure that complaints are investigated in accordance with LHS's Anti-harassment policy. As stated in the Anti-harassment policy, complaints will be investigated within ten (10) days of the date they were reported to the Assistant Principal Security. The Assistant Principal Security and deans will be trained in the requirements and procedures for providing interpreter services under IV.C.1-2, above. These staff will also be instructed to record a victim's parents' need for interpreter services on the Harassment Complaint Report, and to document outreach to parents. Discipline will be provided in accordance with the Discipline Code, Chancellor's Regulation A-443, and any other procedural requirements. Regional staff will oversee this process to ensure that complaints are investigated in a timely and appropriate manner. LHS will attempt to contact the parents of both the victim and the perpetrator to notify them of the school's response to the harassment complaints. LHS will use

available interpretation services to communicate with parents who ask for an interpreter or who are unable to communicate effectively in English.

Persons responsible

- a. Assistant Principal Security (
- b. Principal (Alan Siegel)
- c. School Safety Coordinator, Region 7 (
- d. Director of Student Engagement Services, Office of Youth Development - training

Training

See V.C.3-4 above.

2. *LHS shall offer appropriate counseling services from LHS guidance counselors to victims of student-on-student harassment that the student alleges or LHS has determined is based on race, color or national origin.*

Proposal

The Assistant Principal Security and deans must offer counseling services to victims of student-on-student harassment that the student alleges or LHS has determined is based on race, color or national origin, and will be instructed of this obligation. The Assistant Principal Security or investigating dean will advise students of the availability of counseling services and record such offers on the Harassment Complaint Report. If the student accepts the offer of counseling services, the Assistant Principal Security and/or dean responsible for investigating the student's complaint will notify the Assistant Principal Pupil Personnel Services that the student wishes to participate in counseling. The Assistant Principal Pupil Personnel Services will then make arrangements with a guidance counselor to provide counseling services to the student.

Guidance counselors will be trained on the obligation to provide appropriate counseling services to the above-defined students and what constitutes appropriate counseling services for victims. Guidance counselors will also be instructed to obtain a copy of the Harassment Complaint Report from the investigator.

Persons responsible

- a. Assistant Principal Security (
- b. School Safety Coordinator (- oversight for
Assistant Principal Security and deans
- c. Assistant Principal Guidance (
- d. Director of Student Placement, Youth and Family Support
Services (- oversight for guidance
- e. Director of Student Engagement Services, Office of Youth
Development (– training

3. *The LHS principal or the principal's designee shall meet with the victims of serious incidents of student-on-student harassment that may be based on race, color or national origin and their parents upon request.*

Proposal

The Principal, Assistant Principals, and deans will be instructed to offer meetings with the principal or his designee. Offers and the responses will be documented on the Harassment Complaint Report. The Principal or his designee will meet with students who are victims of serious incidents of student-on-student harassment based on race, color or national origin and/or their parents as soon as possible at LHS upon request.

Persons responsible

- a. Assistant Principal Security (
- b. School Safety Coordinator, Region 7 . -
oversight
- c. Principal (Alan Siegel)
- d. Director of Student Engagement Services, Office of Youth
Development (

4. *LHS officials shall report all incidents of student-on-student harassment that may be based on race, color and national origin and that may involve criminal conduct to the NYPD.*

Proposal

The Principal and Assistant Principal Security will report criminal conduct to the NYPD and record such reports on the Harassment Investigation Report. Depending on the nature of the incident, an LHS official may contact the NYPD by calling 911 or by contacting the nearest NYPD precinct directly to report the crime. If the incident creates an immediate safety emergency, the LHS official must immediately notify the police. If there is not an immediate safety threat, the LHS official must notify the principal. The principal will ensure that the police are contacted.

Persons responsible

- a. Assistant Principal Security ()
- b. Principal (Alan Siegel)
- c. School Safety Coordinator, Region 7 ()
oversight

E. Record-Keeping

The NYCDOE shall ensure that LHS maintains a written record ("Harassment Complaint Report") of each and every complaint, whether verbal or in writing, reported to the "LHS designated staff person" of student-on-student harassment concerning harassment that any victim, complainant, reporter or witness of an incident indicates, or that LHS has reason to believe, may be based on race, color or national origin, whether or not any school personnel believe the harassment to be so motivated. The Harassment Complaint Report shall, at a minimum, include (1) the name and race of the alleged victim and, if different, the name of the person reporting the allegation; (2) the nature of the allegation and the date of the alleged incident; (3) the names and races of all persons alleged to have committed the alleged harassment, if known; (4) the names of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the alleged perpetrator, and any witnesses; (6) the outcome of the investigation; and (7) any action taken by LHS or other NYCDOE officials, including the date the incident was reported to the NYPD, if applicable. The Harassment Complaint Report shall be completed by the LHS designated staff member or other LHS personnel assigned to assist the LHS designated staff member. Items (1) through (6) shall be completed no later than fifteen (15) calendar days after the date upon which the complaint is first made, and, if any action is taken, as discussed in Item (7), such action shall be done promptly and reported in the Harassment Complaint Report.

Proposal

The Harassment Complaint Report is annexed hereto as Appendix "F."

APPENDIX “A”

**Standardized Procedures for the Evaluation of Foreign
Transcripts at Lafayette High School**

1. If a new English Language Learner entrant to Lafayette High School ("LHS") provides a foreign transcript in a language other than English upon registration at LHS, the student will be instructed to give the foreign language transcript to an intake secretary in the Pupil Personnel Services office. If the student does not have a copy of his foreign language transcript at registration, he will be instructed to provide his transcript to the intake secretary.

2. Upon receipt of the transcript, the intake secretary, under the supervision of the Assistant Principal Pupil Personnel Services, will forward a copy of the written transcript to the Translation and Interpretation Unit, by fax to 212-374-5584 and mail to Kleber Palma, Director, Translation and Interpretation Unit, located at 52 Chambers Street, New York, NY 10007 with a written request for translation, using the translation request form annexed to this procedure.

3. A copy of the student's transcript will be sent to the Translation and Interpretation Unit within three school days of receipt of the transcript. The intake secretary will record the date the transcript is sent to the translator on the student's English Language Learner checklist which will be kept in the student's file. The original transcript, provided by the student, will be kept in the student's file at LHS.

4. The Translation Unit will arrange for translation of the student's transcript. The Translation Unit will provide LHS a copy of the translation within 10 school days of receipt of the transcript. The translated transcript will be returned to the intake secretary at LHS.

5. The intake secretary will log in receipt of the translated transcript and provide it to the Assistant Principal Pupil Personnel Services.

6. Within two school days of receipt of the translated transcript, the Assistant Principal Pupil Personnel Services will review the translated transcript with the student's guidance counselor, and then make a preliminary determination of what credits (if any) the student shall be assigned based on the transcript and what graduation requirements (if any) have been satisfied by the student.

7. The guidance counselor will meet with the student within two schools day of meeting with the Assistant Principal Pupil Personnel Services to explain the preliminary determination described in paragraph 6 above, and interview the students concerning courses taken outside the United States. Interpreter services will be provided where appropriate in accordance with paragraphs IVC(1)-(2) of the consent decree. Based on this conversation, the student's credits/classes will be appropriately adjusted.

TRANSCRIPT TRANSLATION REQUEST FORM

*New York City Department of Education • Office of Communications & Media Relations
Translation & Interpretation Unit • 52 Chambers Street, New York, NY 1007
Tel: 212-374-4331 • Fax: 212-374-5584*

Date of Request: _____

Req. Office: _____

Contact: _____

Tel: _____

Fax: _____

BILLING INFORMATION

☐ Estimate Only ☐ Translate:

P.O. No.: _____

No. of pages: _____

Translation requested INTO ENGLISH from:

- | | | |
|----------------------------------|--|---------------------------------------|
| ☐ Arabic | ☐ French Creole | ☐ Spanish |
| ☐ Bengali | ☐ Korean | ☐ Urdu |
| ☐ Chinese | ☐ Russian | ☐ Other: _____ |

Please check one

- | | |
|--|--|
| ☐ Format translations to match original text.
(Complex formatting may require longer
turnaround time and incur additional costs.) | ☐ No formatting necessary. Plain text will be
fine. (Typical FYI documents.) |
|--|--|

Is an electronic file of the original text available?: ☐ Yes, type of file: _____ ☐ No

☐ File sent via e-mail. File name: _____

All translations are returned as Adobe Reader/Acrobat (PDF) files via e-mail. Please provide your
e-mail address here: _____

Additional Instructions: _____

APPENDIX “B”

ADMISSION CHECKLIST FOR ENGLISH LANGUAGE LEARNERS

Student Name	Date of Birth	Date
TASK	STAFF MEMBER	DATE
HOME LANGUAGE		
PLACEMENT DEADLINE (10 SCHOOL DAYS AFTER ENROLLMENT)		
NOTICE OF INTERPRETER SERVICES FORM PROVIDED		
Parent(s) Student		
ADMISSION PACKET ISSUED ASSISTED IN COMPLETION OF FORMS: ADMISSION APPLICATION HOME LANGUAGE IDENTIFICATION SURVEY ETHNIC IDENTIFICATION BLUE CARD		
IMMUNIZATION RECORD REVIEWED ISSUE FORM 211		
WELCOME PACKET ISSUED		
INFORMED OF DATE/TIME OF PLACEMENT TEST		
ADMISSION PACKET TO LAB/BESIS COORDINATOR		
STUDENT TESTED ELIGIBLE FOR ELL? _____ LAB R - FORM B -- PLACEMENT _____ MATHEMATICS -- PLACEMENT _____		
PARENT VIDEO VIEWED		
PARENT SURVEY & PROGRAM SELECTION FORM COMPLETED. CHOICE:		
PARENT INFORMED OF DATE/TIME OF PARENT ORIENTATION		
ADMISSION PACKET TO ROOM 221		
REQUEST FOR PROGRAM ENTERED		
PACKET TO PUPIL ACCOUNTING SECRETARY TO ENTER ON ATS FAX COPY OF TRANSCRIPT FOR EVALUATION COPY OF TRANSCRIPT TO COUNSELOR		
ADMISSION PACKET TO PROGRAM OFFICE		
PROGRAM TO STUDENT		
ADMISSION PACKET PREPARED FOR FILING DATE		

APPENDIX “C”

Notice to ELL Students

This is to inform you about interpreter services for meetings with the Principal, Assistant Principals, deans or guidance counselors about academic matters. If an interpreter is needed for the meeting, an appointment will be scheduled. If you are a BEGINNER level ESL student, you will get interpreter services UNLESS you say that you can communicate in English about the subject being discussed OR that you do not want interpreter services. If you are an INTERMEDIATE or ADVANCED ESL level student, you will receive interpreter services IF you request the service.

Notice to Parents of ELL Students

As a parent of an English Language Learner student at Lafayette High School ("LHS") you may receive free interpreter services for meetings with an LHS teacher, the Principal, Assistant Principals, deans, or guidance counselors about academic matters concerning your child. If you would like interpreter services, you must request these services from the parent coordinator or the staff member with whom you are meeting and an appointment will be scheduled.

If you want assistance in interpreting or translating documents for parents that concern your child's participation in LHS's instructional program, contact the parent coordinator at LHS.

APPENDIX “D”



DEPARTMENT OF EDUCATION OF THE CITY OF NEW YORK

LAFAYETTE HIGH SCHOOL

2630 BENSON AVENUE • BROOKLYN, NEW YORK 11214-4487

TELEPHONE: (718) 372-3480

FAX: (718) 996-6684

el, Principal

April 1, 2004

To: Lafayette High School Staff

From: Alan J. Siegel, Principal

Re: Translation Services

Please be advised that, effective immediately, no student is to be used as an interpreter unless it is an emergency situation.

When the services of an interpreter are needed, please contact:

	<u>Room</u>	<u>Extension</u>
Title VII Staff	408	4082
World Languages	451	4511, 4512
Instructional Support	108	1081, 1082

Your immediate cooperation is anticipated.

APPENDIX “E”

Respect for All: Lafayette High School's Anti-Discrimination/Anti-Harassment Policy

The students and staff at Lafayette High School ("LHS") come from varied backgrounds. Respect for different backgrounds is essential to a school community. All students and staff are reminded that students are prohibited from harassing and discriminating against other students on school grounds, school buses and at all school sponsored activities, programs and events on the basis of race, color, national origin (includes groups of persons of common ancestry, heritage, background, or students from the same country), ethnicity, religion, gender, gender identity, sexual orientation or disability. This policy and procedure addresses only harassment or discrimination by students against other students. Misconduct by teachers against students should be promptly reported pursuant to Chancellor's Regulation A-420 and A-421.

The Department of Education's Discipline Code lists harassing or discriminatory conduct as prohibited behavior, subject to appropriate discipline. All forms of harassment/discrimination are prohibited at LHS.

What constitutes discriminatory or harassing behavior under this policy?

Prohibited conduct includes, but is not limited to the following:

- threatening or harassing, intimidating or physically assaulting another student because of his/her race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability;
- using derogatory language in reference to another student's race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability;
- teasing or taunting another student because of his/her race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, or disability.

Examples of conduct which may constitute harassment under this policy include but are not limited to the following:

- writing graffiti containing offensive language which is derogatory to others because of their race, color, national origin, religion, gender, gender identity, sexual orientation, or disability
- making derogatory jokes or name-calling or slurs directed at others because of their race, color, national origin, religion, gender, gender identity, sexual orientation, or disability

- negative stereotypes or hostile acts which are derogatory to others because of their race, color, national origin, religion, gender, gender identity, sexual orientation, or disability
- written or graphic material containing comments or stereotypes which are either posted, circulated or are written or printed on clothing which are derogatory to others because of their race, color, national origin, religion, gender, gender identity, sexual orientation, or disability

Students who have been found to have violated the LHS anti-discrimination policy will be subject to appropriate disciplinary action pursuant to the Discipline Code, and Chancellor's Regulation, A-443.

I. REPORTING PROCEDURES

1. LHS will designate staff who are responsible for receiving and investigating complaints of discriminatory or harassing behavior against students by other students.

a. The list of designated staff will be available to all staff and students on an annual basis. Staff members will receive the list during the staff development period at the beginning of each school year. The list will be posted for students in the guidance office, near the main office, and in the cafeteria by the first day of the school year.

2. Students who believe that they have been the victim of discriminatory behavior by another student and all students with knowledge of such behavior are encouraged to report it immediately to school staff.

a. Complaints of discrimination or harassment can be submitted in writing or orally to a designated school staff member, or any other staff.

b. Complaints should be reported as soon as possible after the incident(s) in order to be effectively investigated and resolved.

3. In addition to the staff designated to receive complaints, students may also report incidents to any staff member including, but not limited to, teachers, guidance counselors, coaches, and administrators.

4. Staff members are obligated to report promptly to a designated staff member: (1) complaints of harassment or discrimination received by them, and (2) incidents of harassment or discriminatory behavior that they witness or have reason to believe occurred. Staff should also take appropriate action to intervene to stop such behavior.

5. The designated staff member shall use available interpretation services at LHS to assist students who are unable to communicate in English to communicate their complaints in a language the student understands. Students may also submit written complaints in any language.

II. INVESTIGATION

1. Staff members who receive complaints or witness or have reason to believe that incidents of discrimination or harassment have occurred shall promptly report such incidents to a designated staff member, but in no event more than one school day later than the day as the incident was reported. Consistent with Department of Education policy, criminal behavior must be reported to the principal, who will make a report to the NYPD. In the event of an emergency, the NYPD may be contacted directly.

2. Staff members are encouraged to intervene to stop any such harassment that they witness unless circumstances would make such intervention dangerous.

3. LHS will promptly investigate and address all complaints of discrimination or harassment. A designated staff member is responsible for investigating the complaint.

4. As soon as practicable, but not later than ten days following receipt of the complaint, the designated staff member must conduct an investigation of the complaint which should include the following steps to the extent appropriate:

a. Interview the alleged victim and document the conversation.

b. Ask the alleged victim to prepare a written statement which includes as much detail as possible, including a description of the behavior, when it took place and who may have witnessed it.

c. Interview the accused student and advise him/her that if the conduct has in fact occurred it must cease immediately.

d. Ask the accused student to prepare a written statement.

e. Separately interview appropriate witnesses and obtain their written statements.

f. Complete LHS's race, color, or national origin complaint form ("complaint form").

5. In determining whether alleged conduct constitutes a violation of this policy, the staff member investigating the complaint should consider the surrounding circumstances, the nature of the behavior, any past incidents, the relationship between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or

incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

6. The principal or his designee should advise the parents of both the alleged victim(s) and the accused student(s) of the allegation(s), subject to applicable confidentiality requirements. LHS will make reasonable efforts to communicate this information in a language the parents understand by using available interpretation services if the parent asks for an interpreter or is unable to communicate effectively in English.

7. At the conclusion of the investigation, but no later than 10 days after the incident occurred or was first reported, whichever is later, the designated staff member will make a written determination whether the conduct occurred and whether the conduct constitutes harassment or discrimination. The completed report should be referred to the principal for appropriate disciplinary action. LHS will attempt to contact the parents of both the victim and the perpetrator to notify them of the school's response to the harassment complaints and whether any disciplinary action will be or has been taken. LHS will use available interpretation services to communicate with parents who ask for an interpreter or who are unable to communicate effectively in English.

III. RESPONSIVE ACTION

1. If it is determined that the conduct constitutes harassing or discriminatory behavior, LHS will take steps to address the behavior in accordance with the Department of Education's Discipline Code. The principal or his designee shall initiate the discipline process within five (5) school days of referral or as otherwise required by the Discipline Code.

2. All misconduct, regardless of whether it is found to be harassment or discriminatory conduct, will be addressed in accordance with the Discipline Code.

3. In conjunction with disciplinary responses, including suspensions, the Discipline Code also authorizes other responsive measures where appropriate, such as individual or group counseling, conflict resolution, and peer mediation.

4. The Assistant Principal and Security will offer appropriate counseling services to victims of harassment. Students who want counseling services will be referred to guidance counselors for counseling.

5. The Principal or his designee shall meet with all victims of serious incidents of harassment or discrimination upon request.

IV. COMPLAINT PROCEDURES

A parent or student may file a complaint concerning the response by LHS to a complaint of student-on-student harassment orally or in writing with the Regional Director of Student Placement, Youth and Family Support Services. Written complaints should be addressed to: Regional Director of Student Placement, Youth and Family Support Services,

Region 7, 715 Ocean Terrace, Staten Island, NY, 10301. Oral reports may be made by phone or in person. The phone number for Region 7 is 718-556-8350.

V. NOTIFICATION

The principal or the principal's designee must ensure that this policy and the procedures set forth herein are discussed with staff members and students annually.

VI. CONFIDENTIALITY

It is LHS policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, the need for confidentiality must be balanced against the obligation to cooperate with police investigations, to provide due process to the accused or to take necessary action to resolve the complaint. Therefore information regarding the complaint may be disclosed in appropriate circumstances to individuals with the need to know.

VII. RETALIATION

Retaliation under this policy is defined as: adverse action against either a student or staff member because they reported or participated in an investigation of an alleged incident of discrimination or harassment on the basis of race, color, or national origin. Retaliation against a student, teacher or school employee is prohibited and will be subject to appropriate discipline. Student complaints of retaliation may be addressed to the Assistant Principal Security or the Director of Student Placement, Youth and Family Support Services. Staff may make complaints to the Office of Labor Relations.

APPENDIX “F”

* Race can be determined by asking the reporter for this information, observation or school records.

Witness Information (Attach witness statements.)

If incident is also reported on OORS, OORS witness statement forms may be used.

Name _____ Position _____

Name _____ Position _____

Name _____ Position _____

Other Evidence (Please describe.) _____

Basis for allegation or belief that harassment may be based on race, color or national origin:

1. Alleged by: complainant _____ reporter _____ witness _____

2. Other (e.g. multiple incidents involving same students): _____

Conclusion:

After investigation of the incident, I conclude the following (attach additional sheets if necessary):

Action Taken Regarding Alleged Harasser(s) State any disciplinary action taken against harasser(s)

Date of Disciplinary Action: _____

If no disciplinary action was taken, explain _____

If necessary, was incident reported to the NYPD? ☐ YES ☐ NO If yes, Date of Report _____

Reported by _____ Title _____

Report received by _____ Title _____

Follow Up Meeting with Principal or Principal's designeeDid victim or victim's parent(s) ask to meet with principal or principal's designee? ☐ YES ☐ NO

If yes, date of meeting _____ List all those present at the meeting: _____

Guidance Counseling: Were guidance counseling services offered to victim? ☐ YES ☐ NO**Conflict Resolution:** Were peer mediation services offered? ☐ YES ☐ NO

Report Preparer's Signature _____

Title _____

Date completed _____