

**Resolution Agreement Reached During an Investigation  
Lincoln Unified School District  
OCR Case Number 09-13-1159**

Lincoln Unified School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement Reached During an Investigation to resolve the issues investigated by the Office for Civil Rights, U.S. Department of Education (OCR), under the Title II of the Americans with Disabilities Act (Title II), Section 504 of the Rehabilitation Act (Section 504), and Title VI of the Civil Rights Act of 1964 (Title VI), in the above-referenced complaint.

**I. District Responsibility to Limited English Proficient (LEP) Parents**

The District continues to recognize its ongoing responsibility to provide LEP parents with information that enables them to participate meaningfully in the special education process in a language they can understand. Pursuant to Section II below, the District will draft a notice to be sent to all parents of students who need, or are believed to need, special education services, and posted on the District website, explaining the process for requesting oral interpretation at school-based meetings.

**II. Plan For Oral Language Assistance**

The District will develop a plan to provide oral language assistance services upon request to LEP parents at Student Success Team (SST) meetings, Individualized Education Program (IEP) meetings, and Section 504 meetings in order to ensure that they have meaningful access to important information about their children's education program, and an opportunity to participate equally in their children's education. The plan will include the following:

- A. A process for identifying LEP parents who may need language assistance services at SST, IEP and Section 504 meetings;
- B. A description of how school sites will ensure effective oral communication with Spanish-speaking LEP parents at SST, IEP and Section 504 meetings; and
- C. A description of how school site staff will ensure effective oral communication with LEP parents who speak languages other than Spanish.
- D. Procedures for ensuring that:
  - 1. all District staff who provide oral interpretation services to parents at SST, IEP and Section 504 meetings are qualified to do so and have demonstrated their ability to engage in oral communication correctly and effectively in both English and the target language, and have been trained as required in Section III of this agreement; and

2. all District staff who provide oral interpretation for parents of students with disabilities in connection with the SST, IEP or Section 504 process are familiar with and understand disability-related and special education terms and concepts, and are able to communicate correctly and effectively in English and the target language about the terms and concepts.
- E. A list of staff in the District that are currently qualified to provide oral interpretation at SST, IEP and Section 504 meetings, the languages they speak, and their days/hours of availability.
  - F. A description of how the District will annually determine whether any additional interpreters are needed to effectively meet the language assistance needs of LEP parents at SST, IEP and Section 504 meetings.
  - G. A description of how the District will regularly notify LEP parents of the availability of oral language assistance services during SST, IEP and Section 504 meetings and the procedure parents should follow to request these services.
  - H. All District staff is informed about the right of LEP parents to oral language assistance services during SST, IEP and Section 504 meetings and the process staff should follow to obtain these services.
  - I. All District staff involved in the special education process will be informed, on an annual basis, that the use of family members and friends for the provision of language assistance is generally not acceptable. The notice shall state that the use of such individuals may raise issues of confidentiality, privacy, or conflict of interest, and that minor children may not be used to provide interpretation except in emergency situations.
  - J. There will be a periodic review by the District to ensure that its oral language assistance services during SST, IEP and Section 504 meetings are effective in providing meaningful access to important information to LEP parents and are consistent with the terms of the plan.

### **III. Staff Training on Oral Interpretation**

- A. The District will develop and fully implement a plan for initial and ongoing training of District staff that provides oral interpretation for parents at SST, IEP and Section 504 meetings. This training will include instruction in the following areas:
  1. The language services plan described in Section I.
  2. The role of the interpreter in communication with LEP parents and the protocol and ethics of interpretation, including the need to maintain

confidentiality, to provide complete interpretation of all statements at SST, IEP and Section 504 meetings, and to refrain from offering opinions or advice.

3. The specialized terms or concepts that will be used in the activities in which the employee will be providing interpretation at SST, IEP and Section 504 meetings, specifically including disability-related and special education terms.
4. That generally, it is not appropriate to use family members and friends, including students or other children, for the provision of interpretation except in emergency situations, that the use of such individuals may raise issues of confidentiality or other concerns, and that even though LEP parents/guardians may voluntarily bring their own interpreter, the District may still need to provide an interpreter to ensure accurate interpretation of important information.
5. That generally, the District will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration.

#### **IV. Disability Harassment Investigative Training for Administrators**

- A. The District will provide mandatory disability harassment investigative training to all school site administrators in the District. The training will take place in the spring of the 2014-2015 school year and will include an explanation of how to recognize complaints of disability discrimination or harassment, and what staff members should do if they learn of alleged disability-based harassment of a student by a peer, a District staff member, or a third party.
- B. The District will distribute written guidance to all District and site administrators at the training that includes the information in Section IV.A above.

#### **V. Accessibility of School Restroom**

- A. By March 20, 2015, the District will provide the following to OCR:
  - a. The date of construction of the library at Don Riggio Elementary School (School), and if different, the toilet room in the library at the School. The District will include a description of any renovations, remodeling or alterations made, and respective dates, to the library and library toilet room since its construction.
  - b. Documentation confirming that the toilet room in the library is accessible under the applicable accessible design standards. If OCR and the District determine that alterations to the restroom are needed, the District will use

its best efforts to complete them within six (6) months of the date on which the District sends the initial documentation about the toilet room accessibility in Section V.A. (b).

- B. By March 20, 2015, the District will issue a memo to all School personnel stating that the toilet room in the library shall be kept free of obstacles and barriers and shall not be used for storage.

## **VI. Monitoring and Reporting**

### **A. Language Assistance**

1. By March 20, 2015, the District will provide OCR with a draft of the Plan for Oral Language Assistance (Plan), pursuant to Section II, for review and comment. OCR will review the plan within 30 days of receipt and approve or make recommended changes. Within 30 days of receiving OCR's approval of the Plan, the District will finalize it and provide a copy to OCR. The District will also take the following actions:
  - a. Publish the Plan on the District website and ensure that hard copies of the Plan are available in the District office and at each school site.
  - b. Provide OCR with a draft of its Notice to Parents, pursuant to Section I. OCR will review the draft Notice within 30 days of receipt and approve or make recommended changes. Within 30 days of receiving OCR's approval of the Notice, the District will finalize the notice, distribute it to all parents, and post it on the District website. The District will provide OCR with a link to the website where the notice is found and confirmation of the distribution of the notice to parents.
2. By March 20, 2015, the District will provide OCR with the following documents:
  - a. A draft plan for initial and ongoing training for staff that provide oral interpretation, pursuant to Section III A.

OCR will review the plan within 30 days of receipt and approve or make recommended changes. Within ten days of receiving OCR's approval of the plan, the District will finalize the plan, distribute it to relevant administrators, and provide a copy to OCR. The initial training of staff that provide oral interpretation pursuant to Section III.A. will be completed by April 30, 2015. Within 10 days of the date of completion of the training, the District will provide OCR with documentation of its completion, including the names and titles of the trainer(s), the dates of the trainings, a copy of the final agenda used at each training, and a list of participants.

B. Disability Harassment Investigative Training

1. By March 20, 2015, the District will provide OCR with a draft of its written guidance to administrators, pursuant to Section IV.B. OCR will review the written guidance within 30 days of receipt and approve it or make recommended changes.
2. By April 30, 2015, the District will provide OCR with a copy of its agenda for the disability harassment training, including the name of the trainer(s) and the proposed date(s) of completion. Within 10 days of the date of completion of the training, the District will provide OCR with documentation that it has been completed, and a copy of the final written guidance and a distribution list.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, Title II of the Americans with Disabilities Act and its implementing regulations at 28 C.F.R. part 35, and Title VI and its implementing regulations, 34 C.F.R. Part 100, which were at issue in this case.

The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, Title II of the Americans with Disabilities Act and its implementing regulations at 28 C.F.R. part 35, and Title VI and its implementing regulations, 34 C.F.R. Part 100, which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent

Lincoln Unified School District

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02/18/2015

Date