



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
CLEVELAND OFFICE
600 SUPERIOR AVENUE EAST, SUITE 750
CLEVELAND, OHIO 44114-2611

SEP 15 2011

Wayne Belock, Esq.
Deputy Chief, Legal Counsel
Cleveland Metropolitan School District
1380 East 6th Street
Cleveland, Ohio 44114

Re: OCR Docket #15-08-1276

Dear Mr. Belock:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Cleveland Metropolitan School District (the District), on September 16, 2008, with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the District discriminates against limited English proficient (LEP) national origin-minority students and their parents. Specifically, the complaint alleged that the District failed to provide LEP parents of District students with information concerning activities and other school-related matters in a language that they could understand. The complaint also alleged the District failed to provide information to the LEP parents of a student related to his proposed expulsion in a language that they could understand.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100. Title VI prohibits discrimination on the bases of race, color, and national origin in programs and activities that receive Federal financial assistance from the Department. The District is a recipient of Federal financial assistance from the Department and is therefore subject to this law; accordingly, OCR has jurisdiction over this complaint.

Based on the complaint allegation, OCR opened an investigation into the following issue: whether the District violated the regulation implementing Title VI, at 34 C.F.R. § 100.3(a) and (b), which provides, in relevant part, that recipients of Federal financial assistance may not, directly or through contractual or other arrangements, on the ground of national origin, exclude persons from participation in their programs, deny them any service or the benefits of their programs, or subject them to separate treatment. Specifically, the Title VI implementing regulation, at 34 C.F.R. § 100.3(b)(2), provides

that, in determining the types of services or benefits that will be provided, recipients may not utilize criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their national origin.

Pursuant to the regulation, the District has an obligation to ensure "meaningful access" to its programs and activities to LEP parents. Specifically, under Title VI, the District has an obligation to "adequately notify" national origin-minority group parents of school programs and activities that are called to the attention of other parents. The terms "adequately notify" and "meaningful access" mean that parents who are LEP – based on their ability to read, speak, write, or understand spoken English – are not to be excluded from, or denied the benefits of, the District's programs and activities.

Under OCR's procedures, a complaint may be resolved at any time when, before the conclusion of an OCR investigation, a recipient expresses an interest in resolving the complaint. The resolution agreement will be aligned with the complaint allegation or the information obtained during the investigation, and will be consistent with applicable regulations. Such a request does not constitute an admission of liability on the part of the recipient, nor does it constitute a determination by OCR that the recipient has violated any of the laws that OCR enforces. Before OCR completed its investigation, the District asked to voluntarily resolve this complaint. Although OCR has not completed its investigation of this issue, OCR's preliminary investigation included a review of data provided by the District and interviews with the Complainant and relevant District staff.

As the information obtained to date during OCR's investigation indicates that the District fails to provide LEP national origin-minority parents of District students with information concerning activities and other school-related matters in a language that they could understand and failed to provide information to the LEP parents of a student related to his proposed expulsion in a language that they could understand, OCR agreed to enter into a resolution agreement with the District prior to the conclusion of the investigation.

On September 14, 2011, the District signed the enclosed resolution agreement, which, once implemented, will fully address the complaint allegations in accordance with the requirements of Title VI. The agreement requires the District to develop a written plan to provide language assistance to LEP parents. The plan will include processes for:

- notifying LEP parents, in a language that the parents will understand, of the availability of free language assistance with respect to school programs and activities;
- identifying LEP parents who may need language assistance;
- ensuring that each school building has a centralized list of LEP parents identified as needing language assistance services;
- ensuring that the central administration maintains a District-wide list of LEP parents;

- ensuring that, when the children of LEP parents transfer from one building to another within the District, information regarding the language assistance needs of the parents is transferred to the building to which their children transfer;
- ensure that District staff that are likely to interact with an identified LEP parent are advised of the parent's potential need for language assistance;
- ensuring that District staff may obtain in a timely manner appropriate, qualified translators or interpreters; and
- ensuring that vital written documents are translated into the language of each frequently-encountered LEP parent group eligible to be served and/or likely to be affected by the District's program or activities.

With respect to the individual student allegation, the Complainant advised OCR that no individual remedial action was necessary in an agreement as the expulsion had been overturned on appeal.

In light of this agreement, OCR finds that this complaint is resolved, and we are closing our investigation as of the date of this letter. OCR will, however, monitor the District's implementation of the enclosed agreement. Should the District fail to fully implement the agreement, OCR will reopen the case and resume its investigation of the complaint allegations.

This letter sets forth OCR's disposition in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Thank you for your cooperation and that of the District during the resolution of this complaint. We look forward to receiving the District's first monitoring report by October 14, 2011. Donald S. Yarab will be monitoring the District's implementation of the agreement. If you have any questions about the resolution of this complaint, please contact Mr. Yarab at (216) 522-7634.

Sincerely,

/S/

Catherine D. Criswell
Director

Enclosure