

RESOLUTION AGREEMENT
The Learning Community Public Charter School
OCR Complaint No. 01-23-1082

The Learning Community Public Charter School (the “School”) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint. The School assures that it will take the following actions. The School agreed to resolve this complaint prior to the completion of OCR’s investigation pursuant to Section 302 of OCR’s *Case Processing Manual*.

Action Item 1: Parent and/or Guardian Communication Procedure

By **August 1, 2023**, the School will develop a process or procedure (Parent and/or Guardian Communication Procedure) for translating documents and providing interpreter services in order to communicate with parents/guardians who are limited English proficient (LEP). The Communication Procedure will include, but not be limited to:

- a. A provision requiring the School, during initial student registration, to 1) inquire of all parents/guardians, in their native language or a language they can understand, whether they would like notices and information from their child’s school and the School to be provided in a language other than English, and 2) record this information in all relevant student information files or folders and in any electronic student information system. This inquiry should be translated into languages that are common in the School and surrounding community so that the inquiry is designed to reach parents/guardians in a language they are likely to understand. For the 2023-2024 school year, based on information provided by the School, this inquiry should be translated into Spanish. For LEP parents/guardians who speak languages that are less common in the School, the School may use a cover page explaining in those languages how a parent/guardian may receive translation of the inquiry form and should offer interpreters to ensure parents/guardians accurately report their language communication needs on the inquiry form. In addition, during initial student registration, the School shall also inquire whether parents/guardians require the student handbook to be translated.
- b. A provision requiring the School to record (as described in 1(a)) the language needs of parents/guardians if language needs are identified at a time after initial student registration.
- c. A provision requiring the School to provide all parents/guardians identified in 1(a) above, with written translations of all notices or documents containing essential information (as defined in Item 1(e) below), in a timely manner.
- d. A provision requiring the School to provide written or oral translations of information that is not deemed “essential information” upon receiving a reasonable, specific request for such information from LEP parents/guardians.
- e. A list of “essential information” that will be translated for LEP parents/guardians who have requested notices in a language other than English. This list shall include, but not be limited to
 - i. Information about special education matters arising under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973

(*e.g.*, Individualized Education Program (IEP) or Section 504 meetings);

- ii. School's Academic Calendar;
 - iii. Report cards and other academic progress reports;
 - iv. Information about the disciplinary process and correspondence/records concerning discipline of a student;
 - v. Requests for parent/guardian permission for student participation in School sponsored programs and activities;
 - vi. Promotional materials and announcements distributed to students that contain information about school and School activities for which notice is needed to participate in such activities (*e.g.*, testing, activities requiring an application, parent-teacher conferences, open houses);
 - vii. Parent-student handbooks, upon request (as indicated in Item 1(a) above);
 - viii. Documents concerning enrollment or registration;
 - ix. Documents concerning academic options and planning;
 - x. Documents concerning screening procedures requesting a student's language background and a parent/guardian's preferred method of communication;
 - xi. Information related to public health and safety; except that if there is an immediate health or safety emergency, the information may be initially provided in English with interpretation and/or translation to follow as soon as practicable; and
 - xii. Any other written information describing the rights and responsibilities of parents/guardians or students and the benefits and services available to parents/guardians and students.
- f. A provision requiring that when any School employee needs to communicate with an LEP parent/guardian regarding essential information, the communication must be provided in a language that the parent/guardian understands by means of a qualified interpreter and in a timely manner.
- g. A provision requiring the School to develop a process to ensure interpreters or translators are qualified, which includes being trained on their role, the ethics of interpreting, and the need to maintain confidentiality. In addition, the process should also ensure that interpreters or translators have knowledge, in English and a language the parent/guardian

can understand, of any specialized terms or concepts regarding the School program or activity for which they are providing services. The training shall be conducted by a person certified in interpretation and translation.

- h. A statement that except in an emergency, the School will not use students, family or friends of LEP parents/guardians, or web-based programs, (e.g., Google Translate) for interpreter services, translation of School-generated documents, or for any other interpretation or translation services. If there is an emergency and no qualified interpreter is available, the School will follow up with the parent/guardian in a timely manner to communicate, through a qualified interpreter or translation, the information that the family or friends orally interpreted or first provided through Google Translate or a similar program.

Reporting Requirements

By **August 1, 2023**, the School will provide OCR with the School's Parent and/or Guardian Communication Procedure for OCR's review and approval.

- a. Within 30 days of OCR's approval of the School's Parent and/or Guardian Communication Procedure, the School will submit documentation confirming that the procedure has been provided to parents/guardians and School personnel. Specifically, the School will provide proof that it has (a) posted the procedure on the School website, and (b) distributed the procedure to all parents/guardians and School employees.
- b. Within 180 calendar days of OCR's approval of the School's Parent and/or Guardian Communication Procedure, the School will submit to OCR documentation demonstrating adoption and implementation of all elements of the Parent and/or Guardian Communication Procedure, including but not limited to: records of parent/guardian requests for language assistance; copies of documents the School has translated; transmittal coversheets or emails forwarding any translated documents to LEP parents/guardians; a list of all translators and interpreters, and their qualifications, the School used to communicate with parents/guardians; and links to any translated documents on the School website.

Action Item 2: Staff Training

By **September 29, 2023**, the School will conduct training for all its administrators, teachers, team chairs, and any other School staff who are responsible for communicating essential information to parents/guardians. Such training shall address and be consistent with Title VI, and the Parent and/or Guardian Communication Procedure developed in Action Item 1. The training will include clear instruction on the following:

- a. employees' obligation to review a parent/guardian's language access needs before scheduling meetings with parents/guardians and sending out notices;
- b. what information must be translated or interpreted for LEP parents/guardians;
- c. what constitutes a qualified interpreter or translator;
- d. when and how to obtain qualified interpreters and translators;

- e. where to find accurate and up-to-date translations of documents when needed; and
- f. other best practices for communicating with LEP parents/guardians.

Prior to the start of the 2023-2024 school year, the School will develop a document outlining the information provided during the training described above, and make that document readily available to all School employees, students, and parents/guardians and on the School's website. The School will translate this document into Spanish. This School will also, upon request, translate this document into any language spoken in the community. The School will also make readily available to all School administrators, teachers, team chairs, and any other School staff who are responsibility for communicating essential information to parents/guardians a list of qualified interpreters and translators available to them, with the relevant language indicated, and how to contact them and secure their services.

Reporting Requirements

- a. Within 10 days of the training in Action Item 2, the School will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 2. This documentation will include but not be limited to: the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts guides, or other materials; sign-in sheets; and a list of the individuals who attended the training and their titles or positions.
- b. By **November 1, 2023**, the School will provide OCR with the training summary document and interpreter list described above and evidence that the documents were distributed as required by Action Item 2.

By signing the resolution agreement, the School agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of the resolution agreement.

The School understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the School is in compliance with the terms of the agreement and the statute(s) and regulation(s) at issue in the case.

The School understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The resolution agreement will become effective immediately upon the signature of the School's representative below.

By: _____
Meg O'Leary, Head of School

Date: _____