

RESOLUTION AGREEMENT
Yuma Elementary School District
Case Number 08-13-1207

In order to resolve the allegation in case number 08-13-1207, filed against the Yuma Elementary School District and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Title VI of the Civil Right Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. part 100, Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. part 35.

During the investigation, before OCR made findings, the District indicated its willingness to ensure compliance with Title VI, Section 504 and Title II regarding the allegations related to parent communication and its response to the Complainant's disability discrimination complaints related to the use of restraint techniques. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

A. Parent Communication

1. Policies and Procedures The District will develop policies and procedures that ensure that the District communicates effectively with LEP parents about policies, procedures, and information communicated to other parents. The procedures will:
 - a. State that the District is committed to providing communication to parents in a language understood by the parent;
 - b. Establish how the District will provide written documents in a language the parent understands, including but not limited to special education documents, discipline information, parent handbooks, grades, and letters changing educational services; and
 - c. Establish how the District will provide qualified language interpreters. The policy will:
 - i. Establish how staff can contact the qualified language interpreters;
 - ii. State that qualified interpreters will be proficient in the necessary language(s) and that all persons on its interpreter resource list have been appropriately trained regarding the role of the interpreter, the ethics of interpreting, and the need to maintain confidentiality; and
 - iii. Include a procedure for periodically reviewing and updating its interpreter resource list to ensure that the list meets ongoing needs for effectively communicating with LEP parents.

REPORTING REQUIREMENTS:

- By February 1, 2014, the District will submit to OCR for review and approval the District's draft policies and procedures for communicating effectively with LEP parents.
- Within 60 days of OCR's approval of the policy, the District will adopt the approved policy and provide the policy to all parents in a language the parent understands. The

notice may be accomplished by placing information regarding the policy in school newsletters and the District's website with links to the policy posted on its website.

- Within 60 days of OCR's approval of the policy, the District will provide supporting documentation that the approved policy is adopted and notice was provided. Supporting documentation will include 1) weblinks to the where the policy is posted on its website, 2) copies of school newsletters, or 3) other similar document notifying parents of the changes to the District's policies and procedures.

2. Interpreter Resource List The District will develop an interpreter resource list of persons who are proficient in English, Spanish, and other languages, if necessary, who may be used as interpreters for communicating with LEP parents in the District. The list will include the interpreters' contact information and availability and the procedure for obtaining interpreter services. The District will ensure that all appropriate staff members are provided with the list of qualified interpreters.

REPORTING REQUIREMENT:

- By February 1, 2014, the District will submit to OCR for review the District's interpreter resource list and documentation that all appropriate staff members have been provided with the list of qualified interpreters.

3. Staff Training Plan The District will develop a draft training plan to annually train appropriate staff on the District's approach to communicating with LEP parents. Staff training will include:

- a. When and how to obtain qualified language assistance;
- b. The importance of effective communication with LEP parents;
- c. The use of interpreters when staff receive or make calls to LEP parents;
- d. How to work effectively with interpreters;
- e. The use of translators for written documents;
- f. How to identify documents that should be translated;
- g. The impact of ethnic and cultural differences on effective communication; and
- h. Applicable record-keeping requirements.

REPORTING REQUIREMENT:

- By February 1, 2014, the District will submit to OCR for review the District's draft training plan, which will include the materials to be used during the training.
- Within 60 days of OCR's approval, the District will provide the training.
- Within 60 days of OCR's approval, the District will provide supporting documentation of all actions taken to implement this Item. Supporting documentation will include
 - the name, title, and credentials of trainer;
 - a copy of the materials used in the training; and
 - a list of the names and titles of staff members who attended the training.

B. Restraint and Seclusion

1. The District will submit, for OCR's review and approval, a revised set of its proposed policies regarding the use of restraint and seclusion, giving consideration to the U.S. Department of Education's resource document on this topic.¹ The District's policies will specifically include the District's proposed draft language prohibiting the use of mechanical restraints.

REPORTING REQUIREMENT:

- By December 15, 2013, the District will provide OCR with a proposed District policy regarding the use of restraint and seclusion that prohibits the use of mechanical restraints.
 - Within 60 days of OCR's approval of the District policy, the District will submit documentation indicating that the approved revised policies have been officially adopted by the District.
2. The District will ensure that the new policy is disseminated to all certificated staff in the District and to any support staff that would have responsibility for supervising students with disabilities. The District will also provide notice to the general public in the same manner as it would provide notice of any policy change. The District will provide a review of the new policies at a staff meeting at each of its schools within 60 days of OCR's approval.

REPORTING REQUIREMENTS:

- Within 60 days of OCR's approval, the District will provide OCR with a description of how the new policies were disseminated to staff members, documenting that the policies have been reviewed in a staff meeting at each school.
 - Within 60 days of OCR's approval of the policy, the District will provide supporting documentation the approved policy is adopted and notice was provided. Supporting documentation will include 1) weblinks to the where the policy is posted on its website, 2) copies of school newsletters, or 3) other similar document notifying parents of the changes to the District's policies and procedures.
3. The District will provide annual policy training to all staff who are responsible for implementing the policy, regarding the appropriate use of restraint and seclusion techniques, required notifications, and required record-keeping.

REPORTING REQUIREMENT: By August 31, 2014, and annually each Fall thereafter while this Agreement is in effect, the District will provide OCR with documentation demonstrating implementation of the training for required staff, including documentation that the required staff completed the training, and a copy of the training materials.

¹ "Restraint and Seclusion: Resource Document" is available at www.ed.gov/policy/restraintseclusion.

4. The District will hold an IEP team meeting for the Student within 30 days, which will include consideration of any changes to the student's IEP that may be necessary to ensure that the student is not subject to inappropriate restraint or seclusion.

REPORTING REQUIREMENT: By February 1, 2014, the District will submit documentation to OCR showing the date of the IEP team meeting, documentation from the meeting indicating that the team considered the items listed in Paragraph 4, and the outcome of the meeting.

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 and is in compliance with the regulations implementing Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990, 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.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 the regulation implementing Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act, which were at issue in this case.

For Yuma Elementary School District:

/s/

11/26/2013

Dr. Darwin J. Stiffler
Superintendent

Date