

Resolution Agreement
Imagine Prep Coolidge
OCR Complaint Number 08-16-1216

Imagine Prep Coolidge (the School) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR). By this Agreement, the School commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulation, at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, at 28 C.F.R. Part 35; and Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance from the Department. The School is committed to complying fully with Section 504, Title II, and Title VI, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. This Agreement does not constitute an admission by the School that it discriminated or otherwise engaged in any wrongdoing. The School hereby voluntarily commits to the following:

I. SECTION 504 ENROLLMENT AND TRAINING

- A. By XXXX, the School will modify and update its application for enrollment so that it does not request disability-related information that is irrelevant to an enrollment decision. Specifically, the School will modify and update its enrollment application and procedures to ensure that it does not review any student's IEP or 504 Plans from previous placements until after an enrollment decision is made and that it does not delay any student's enrollment because it has not yet received that Student's IEP or 504 Plan. After a student has been admitted, the School may seek additional disability-related information that is relevant for placement purposes.

Reporting Requirements:

- i. By XXXX, the School will provide OCR with a copy of its updated application for enrollment and enrollment procedures for review and approval.
 - ii. Within 30 calendar days of OCR's approval of the modified application for enrollment and enrollment procedures, the School will adopt and implement the modified application for enrollment and enrollment procedures and will provide OCR with documentation demonstrating that it has adopted and implemented the modified application and procedures.
 - iii. Within 30 calendar days of OCR's approval of the School's new enrollment procedures, the School will provide training to all relevant staff on the new procedures.
- B. By XXXX, the School will provide training regarding its obligation under Section 504 and Title II to provide a Free Appropriate Public Education (FAPE) to all qualified students with disabilities enrolled at the school. The training will be provided to all relevant personnel at the School, including, but not limited to, administrators, faculty, and

counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination, the evaluation of students who are or are believed to be disabled, and the discipline of students with disabilities. The training will address, at a minimum:

- i. The Section 504 and Title II's regulatory requirements that no qualified individuals with disabilities shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any of the School's programs or activities, including its open enrollment program;
- ii. The School's obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need special education or related aids and services;
- iii. The School's policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students pursuant to Section 504, at 34 C.F.R. § 104.35;
- iv. The School's policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36;
- v. The School's obligation to refrain from retaliating against any person because that person, or anyone else, exercised any right or privilege pursuant to Section 504 or Title II.

Reporting Requirements:

- i. By XXXX, the School will provide OCR with documentation demonstrating that it has timely completed the training required by Section (1)(B). At a minimum, the documentation should include the date(s) of the training, the identity and qualifications of the trainer(s), a copy of all written materials provided, and a copy of sign-in sheets indicating the attendees.

II. SECTION 504 NOTICE OF NONDISCRIMINATION AND COORDINATOR

- A. By XXXX, the School will submit to OCR for its review and approval a draft notice of nondiscrimination pursuant to 34 C.F.R. §§ 104.8, which will notify students, parents/guardians, employees, and other relevant persons that it does not discriminate on the basis of disability in the education programs or activities that it operates and that is required by law not to discriminate in such a manner.¹ The notice will state that inquiries concerning the application of Section 504 should be referred to the Section 504 Coordinator (including the name or title and contact information for the School's Section 504 Coordinator). The School will publish this notice in its Parent/Student Handbook, Employee Handbook, and on its webpage.

Reporting Requirements:

- i. By XXXX, the School will submit to OCR a copy of the School's notices of nondiscrimination and non-retaliation for OCR's review and approval.

¹ Consistent with 34 C.F.R. §§ 100.6(d) and 110.25(b), the School is encouraged to include information regarding the prohibition of discrimination of discrimination on the basis of race (Title VI), national origin (Title VI), and age (the Age Discrimination Act of 1975) in its notice of non-discrimination.

- ii. Within 45 calendar days of written notification from OCR that the notices of nondiscrimination and non-retaliation are consistent with applicable laws and regulations, the School will adopt and implement the notices of nondiscrimination and non-retaliation and will provide all students, parents/guardians, and employees with written notice regarding the new notices. The School will, at a minimum, make this notification through the School's website, electronic or postal mail messages to employees and students, in any regularly issued newsletters (in print or online), as well as by any other additional means of notification the School deems effective to ensure that the information is widely disseminated.
 - iii. Within 60 calendar days of written approval from OCR that the notices of nondiscrimination and non-retaliation are acceptable, the School will provide OCR with documentation that it has implemented Item II(A)(ii), including copies of the written notices issued to students and employees regarding the new notices of nondiscrimination and non-retaliation and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised notices of nondiscrimination and non-retaliation are located.
- B. By XXXX, the School will ensure that it has designated at least one employee to coordinate the School's efforts to comply with Section 504. The School will publish this employee's name or title, office addresses, and telephone number consistent with the requirements of Section 504 at 34 C.F.R. § 104. 7(a). If the School opts to designate more than one Section 504 Coordinator, its publications will make clear the scope of each coordinator's responsibilities.

Reporting Requirements:

- i. By XXXX, the School will provide OCR with the names/titles of the persons designated as the Section 504 Coordinator(s), including their addresses and contact information, and the training they have received or will receive regarding the relevant laws and regulations. In addition, the School will provide OCR with documentation substantiating that it published these names or titles, office addresses, and telephone numbers.

III. LIMITED ENGLISH PROFICIENT PARENT COMMUNICATION

- A. The School will develop and fully implement a Plan for Oral and Written Language Assistance to provide oral and written language assistance services to limited English Proficient (LEP) parents of students at the School which ensures that they have meaningful access to important information about their children's education program. The Plan will include the following:
 - i. A process for formally identifying LEP parents who may need oral language assistance services;
 - ii. A list of staff members at each school that are currently qualified to provide oral interpretation, the languages they speak, and their days/hours of availability;
 - iii. A description of how site staff members will ensure effective oral communication with LEP parents for parent-staff contacts such as disciplinary meetings, walk-in

- visits, telephone calls to and from parents, back-to-school nights, meetings with administrators, and parent/teacher conferences;
- iv. A description of how School site staff will ensure effective oral communication with LEP parents who speak low-incidence languages;
 - v. Procedures for ensuring that:
 - 1. All school site employees who provide oral interpretation services to parents at the School 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 Item III(B) of this Agreement; and
 - 2. All school site employees who provide oral interpretation for parents of students at both special education and disciplinary meetings or hearings are familiar with and understand special education and disciplinary terms and concepts, and are able to communicate accurately and effectively in English and the target language about those terms and concepts;
 - vi. A description of how the School will regularly notify LEP parents of the availability of oral language assistance services and the procedure parents should follow to request these services;
 - vii. A process for regularly informing staff about the right of LEP parents to oral language assistance services and the process staff should follow to obtain these services;
 - viii. A process for periodic review by the School to ensure that its oral language assistance services are effective in providing meaningful access to important information to LEP parents and are consistent with the terms of this plan;
 - ix. How the School will identify LEP parents and guardians who require written translation to understand communications from the School;
 - x. The procedures for translating written documents, such as discipline, special education and Section 504, academic programming including honors, Advanced Placement, Gifted and Talented Education and other accelerated academic programs, grades, academic progress, attendance, graduation, and other important information that will be regularly translated, and the language(s) for which translation will be provided;
 - xi. The procedures that administrators and staff will use to obtain translation of School-wide and classroom-related documents;
 - xii. The procedures for providing meaningful access to written School-wide and classroom-related information for written documents that are not routinely translated and low-incidence languages that are less widely spoken in the District;
 - xiii. The procedures for ensuring that the individuals who provide translation for the School are competent, appropriately trained, and have demonstrated their ability to communicate effectively in English and the target language; and
 - xiv. A description of how the School will regularly notify LEP parents of the availability of written translation services and the procedure parents should follow to request these services.

Reporting Requirements:

- i. By XXXX, the School will submit a draft Plan for Oral and Written Language Assistance for the School described in Section III(A) to OCR for review and comment.

- ii. Within 60 calendar days of receiving OCR's approval, the School will finalize and implement the Plan for Oral and Written Language Assistance and submit documentation to OCR demonstrating this implementation.
- B. By XXXX, the School will develop plans for initial and ongoing training of all School staff that provide oral interpretation and/or written translation for parents at the School. This training will include instruction in the following areas:
- i. The Plan for Oral and Written Language Assistance described in Item III(A);
 - ii. The role of an interpreter in communications with LEP parents and the protocol and ethics of interpretation, including the need to maintain confidentiality;
 - iii. The specialized terms or concepts that may be used in the activities in which the employee will be providing interpretation or translation, specifically including terms used in the special education or student discipline processes;
 - iv. 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 School may still need to provide an interpreter to ensure accurate interpretation of important information; and
 - v. That generally, the School will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration.

Reporting Requirements:

- i. By XXXX, the School will submit to OCR its plans for staff training as described in Item III(A) and III(B). This plan should include copies of training materials and the names and qualifications of the selected trainer(s).
 - ii. By XXXX, the School will provide OCR with documentation that demonstrates that the training has been completed. This documentation will include, but is not limited to, the date(s) of the training and a list of staff participants.
- C. By XXXX, the School will make arrangements to hire or contract with an independent, approved interpretation and translation service that it will utilize for all interpretation and translation needs until the School implements its Plan for Oral and Written Language Assistance.

Reporting Requirements:

- i. By XXX, the School will submit to OCR documentation that demonstrates that the School has hired or otherwise contracted with an independent, approved interpretation and translation service.
- ii. By XXXX, and the 28th of every third month thereafter until XXXX, the School will submit to OCR a copy of records indicating the usage of this service each month. These records should demonstrate the number of times the service has been used, the duration of interpretation services provided, and the number of documents that have been translated.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104, Title II, at 28 C.F.R. § 35.130, and Title VI, at 34 C.F.R. § 100, which were at issue in this case.

The School understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements contained herein. Further, the School understands that during the monitoring of this 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 this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104, Title II, at 28 C.F.R. § 35.130, and Title VI, at 34 C.F.R. § 100, which were at issue in this case.

The School further 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 School written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

/s/

10/18/2016

Angela West, Principal
Imagine Prep Coolidge

Date