

Resolution Agreement
Pasadena Unified School District
OCR Case No. 09-11-1054

In order to voluntarily resolve the issues raised in the above-referenced complaint filed with the Office of Civil Rights (OCR) with the U.S. Department of Education, Office for Civil Rights, under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964, and without admitting unlawful or wrongful acts or other liability or conceding any violation of State or Federal law with respect to the issues raised in the complaint, the Pasadena Unified School District agrees as follows:

I. Assistive Technology

The District will develop a plan or procedures to ensure that assistive technologies that are necessary for the provision of a free appropriate public education (FAPE) or to comply with Title II of the ADA, are ordered, received, and given to students with disabilities in a timely and expeditious manner. The District will begin implementing the plan or procedures within five (5) business days after receiving OCR approval. The plan or procedures will ensure the following:

- i. that the District will provide oversight, accountability, and record keeping to ensure the assistive technologies necessary to provide FAPE to students with disabilities are timely ordered from vendors and upon receipt are made available to students as specified in their IEPs;
- ii. that assistive technologies ordered are up to date and upon receipt kept in good working order to the best of the ability of District staff;
- iii. that relevant staff members receive up to date training on deploying and using the assistive technologies as well as how to teach students to use the technologies; and
- iv. that a student's IEP team may not discontinue the authorization for home use of assistive technology for any reason except the determination that the assistive technology is no longer necessary to provide the student with a FAPE.
- iv. that parents/guardians are notified of what to do and who to contact if they have any concerns or problems with the assistive technology or, the assistive technology is damaged or lost.

II. LEP Parent Communication

The District will create and implement a plan or administrative guidelines for its staff outlining procedures for the provision of oral interpreting and written translation to

parents/guardians with limited proficiency in English during all special education processes. The District will begin implementing these guidelines within five (5) school days after receiving OCR approval. These guidelines will:

- i. ensure that competent and appropriately trained interpreters are provided when legally required or requested by parents/guardians for student study team, IEP team and Section 504 team meetings;
- ii. ensure the provision of competent interpretation by requiring that staff or other individuals who provide oral interpreting demonstrate the following:
 - a. ability to orally communicate information accurately in both English and in the parents' native language; and
 - b. ensure that interpreters have knowledge, in English and the parents' native language, of any specialized terms or concepts particular to the District program or activity for which they are providing services, including having knowledge of special education terminology.
- iii. ensure that parents/guardians receive complete written translation of essential information regarding their students in a language they understand. The definition of "essential information" includes documents provided to parents during the process of identifying, evaluating and placing a student who, because of disability, needs or may need special education and/or related aids and services under Section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act (IDEA);
- iv. ensure that requests from parents/guardians for translated documents are accurately fulfilled within a reasonable amount of time;
- v. ensure the provision of competent written translation services by requiring that staff or other individuals who provide written translation demonstrate the following:
 - a. ability to communicate information accurately in both English and in the parents' native language in a written format; and
 - b. ensure that translators have knowledge, in English and the parents' native language, of any specialized terms or concepts particular to the District program or activity for which they are providing services, including, having knowledge of special education terminology.

- vi. describe how the District will ensure that it has adequately trained personnel to provide oral interpreting and written translation to parents/guardians at all school sites;
- vii. describe how the District will notify parents/guardians at each school site of the availability of oral interpreting and written translation services, and the procedure parents/guardians should follow to request these services;
- viii. include a statement that a parent does not have to be of limited English proficiency in speaking, reading, writing, and comprehending English in order to be considered LEP but, rather, that it is only necessary that a parent be limited in at least one of these areas in order to be eligible to receive language assistance as needed;
- ix. include a statement that, generally, the District will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration;
- x. include a process by which the District ensures that interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

III. Training

The District will train relevant administrators and staff regarding the plans, procedures, or administrative guidelines developed pursuant to Parts I and II of this agreement.

IV. Notification to Parents/Guardians

The District will disseminate information regarding the plans, procedures, or administrative guidelines developed pursuant to Parts I and II of this agreement to parents/guardians by August 31, 2012 posting them on the District website and by including appropriate information in the next publication of the District's student/parent school handbooks. The District may choose to take additional actions to further disseminate this information, including sharing this information at back to school nights or posting the information in a visible place at each District school.

V. Reporting Provisions

- i. By September 30, 2012, the District will provide to OCR for review and approval a draft of the plans, procedures, and administrative guidelines specified in Parts I and II. The District will within fifteen (15) business days make changes based on OCR's feedback, and will begin implementing the policies and procedures within 30 days of receiving OCR approval.

