

Resolution Agreement

Pasadena Unified School District
OCR No. 09-14-1316

In order to resolve the findings of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation of 1973, Title II of the Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964 in this case, and without admitting to any violation of law, the Pasadena Unified School District (District) agrees to implement this Resolution Agreement (Agreement).

I. Individual Student Remedies

- A.** The District will place a copy of the resolution letter and this agreement in the Student's special education records.
- B.** Within 60 calendar days of the date this agreement is signed, the District will provide the following translated documents to the Student's parent:
 - 1. The May 2013 triennial assessment report
 - 2. The September 2014 psycho-educational report
 - 3. Speech assessments from the 2013-2014 and 2014-2015 school years
 - 4. All IEPs from the 2013-2014 and 2014-2015 school year as of the date this agreement is signed.
- C.** Within 10 calendar days of the date this agreement is signed, the District will rescind the October 2014 IEP, wherein the District removed special education services in the area of English Language Arts in a meeting that did not comply with procedural requirements.
- D.** The District will reimburse the parent for any English language development (ELD) support, tools and materials purchased by the Student's family during the 2013-2014 school year and will make such reimbursement within 30 days of such determination after receiving appropriate documentation from the Complainant.
- E.** If the Student returns to the District, the District will provide the Student's parents with translated documents that contain essential information including, but not limited to, all of the Student's special education documents, progress and grade reports, and transcripts.

Reporting Requirements for Section I:

- a) Within 10 calendar days of the date this agreement is signed, the District will provide OCR with documentation that shows it has implemented Item I. A. and C.

- b) Within 70 calendar days of the date this agreement is signed, the District will provide OCR with copies of the translated documents described in Item B and documentation that shows the translated documents were provided to the Student's parent.
- c) Within 45 days of receiving any receipts for reimbursement related to supports, tools, or materials purchased related to the Student's ELD needs, the District will provide OCR with its determination and proof of payment, if applicable.

II. Remedies Related to Students with Disabilities at PHS

- A.** By June 30, 2016, the District will develop or amend its written policies and procedures to ensure that Pasadena High School (PHS) staff are aware of all in-coming ninth grade students and students who are new to PHS with disabilities who have an IEP or Section 504 plan, including Students who are not programmed by PHS in the preceding spring, and of the requirement to provide such students with FAPE. The policies and procedures will include a description of the specific actions the District will take to ensure the following:
 - 1. Counselors are aware of all the students on their caseload who have IEPs and Section 504 plans prior to programming these students so they can be scheduled into the required classes and provided with the related services, accommodations and modifications consistent with their IEPs and Section 504 plans.
 - 2. All of the students' teachers have a copy of their IEP or Section 504 plan, or relevant portions, prior to the students' first day in their class.
 - 3. All of the students' teachers are aware of and implementing the accommodations and modifications in the students' IEP or Section 504 plan.
 - 4. PHS administration timely provides case carriers with written notice of their caseload, due dates for testing, scheduling initial, annual and triennial IEP due dates, and a list of individuals knowledgeable about the student to invite to IEP meetings.
 - 5. Timeframes and process by which the District will review all students with IEPs or Section 504 plans at PHS during the 2013-14 school year to ensure that they are receiving a FAPE. For each student the District identifies in the process who had a Section 504 plan or IEP that was not implemented, the District will:
 - a. Determine the services, modifications or accommodations that were not provided and the length of time this occurred; and
 - b. Ensure that PHS convene a Section 504 team meeting or IEP meeting to determine whether there is a need to provide compensatory education services to address academic deficiencies or lack of credits due to the failure to

implement the student's Section 504 plan or IEP. If such services are needed, the team will develop and document steps for promptly providing the services.

B. Training

1. By the beginning of the new school year, but no later than September 7, 2016, the District will provide training to all PHS case carriers on maximizing effective use of the District's data system, including SEIS and Aeries as applicable, to access information to assist them in serving the students on their case load.

Reporting Requirements for Section II:

- a) Within 60 calendar days of the date this agreement is signed, the District will provide OCR with a copy of the amended policies and procedures described in Item II.A along with a plan that includes the dates by which it will distribute the policies and procedures to all staff and provide training regarding the same.
- b) By September 30, 2016, the District will provide OCR with documentation that shows it has conducted the training described in Item II.B.

II. LEP Parent Communication

The District will amend its LEP Parent Communication Plan (Plan) for parents of students with disabilities to ensure that it includes the following components:

A. Needs Assessment.

1. The District will conduct an assessment of the resources at the District and school site level needed for providing the interpretation and translation assistance to LEP parents/guardians of students with disabilities, and of the adequacy of existing District and site resources to meet those needs.
2. The assessment will include a review of the following:
 - a. A determination of the predominant non-English language groups at each school in the District based on an assessment of the number and percentage of EL, RFEP and FEP students by language group;
 - b. For each of the identified predominant languages, the number of staff that the District has determined are necessary to provide oral interpretation and/or translation assistance at the District and school site levels, and an up-to-date roster of District and school site staff who are qualified to provide such assistance related to students with disabilities and their parents/guardians.
 - c. An up to date inventory of District and school site general notices and forms related to the Section 504 and IEP process sent to parents/guardians that have been

translated and a list of the languages in which these documents are available; a list of general notices and forms that have not been translated into the predominant languages.

- d. For each school, a list of the languages other than predominant languages that are spoken by the parents of more than 30 EL or FEP students, and a description of how District and school staff will provide access to information for and communicate effectively with LEP parents of students with disabilities in these languages.
 - e. A description of how the District will provide access to information for and communicate effectively with LEP parents/guardians of students with disabilities who speak a low-incidence language.
 - f. A determination of whether, based on the information above, any additional qualified translators/interpreters or other resources (e.g. telephone interpreters) are needed at the District office and/or school sites to ensure effective communication with LEP individuals of students with disabilities and, if so, how many. In determining existing qualified staff, the District will not include bilingual teaching staff who would need to be removed from the provision of instruction to provide translation or interpretation service.
- B. Identification Procedures.** A policy and procedures for the District and school sites to identify LEP parents/guardians of students with disabilities who require written translation and /or oral interpretation.
- C. Translation Policy and Procedures.** A policy and procedures for ensuring that LEP parents/guardians receive important written information regarding their students, and regarding District and school programs and services, in a language they understand. The policy and procedures will include:
1. Identification of the District and school site generated documents that contain important information about students with disabilities and that should therefore be translated into the predominant languages in the District. Such documents include but are not limited to the following categories:
 - a. Documents provided to parents/guardians regarding any process used to during the process of identifying, evaluating, and placing a student who, because of disability, needs special education and/or related aids and services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.
 - b. Documents (Progress Reports and Report Cards) informing parents/guardians of students with disabilities of the academic progress of their students.
 2. A description of how the District will provide notice to LEP parents/guardians that they may request translation of the following documents, and that the District will translate them in a timely manner. At minimum, this notice will be provided to parents at the beginning of the SST, IEP, Section 504 or assessment process and at the conclusion of any SST, IEP or Section 504 plan meeting at which interpretation is provided.

- a. IEPs
 - b. Section 504 Plans
 - c. SST Plans
 - d. Reports describing evaluations of students to determine if they may have a disability.
3. Procedures for distributing translated documents including:
 - a. A description of the process to periodically notify District and school site administrators of the translated documents that are available and how to access them.
 - b. A description of the process to ensure that LEP parents of students with disabilities receive documents that are available in their primary language.
 - c. Steps to make available to the public a list of District special education documents that are available in languages other than English.
 4. Procedures for LEP parents/guardians of students with disabilities to make requests and standing requests for translation of documents and identification of alternative processes for translation or otherwise communicating the information related to essential document into non-predominant non-English languages, if requested by an LEP parent/guardian of a student with a disability.
 5. Identification of District and school site staff responsible for arranging for translations of documents.
 6. Procedures to be used by administrators and staff to obtain translation of school site or classroom level documents.
 7. Timeframes for responding to LEP parent/guardian requests for translation.
- D. Interpretation Procedures.** A policy and procedures for ensuring that LEP parents/guardians of students with disabilities are able to participate meaningfully in District and school meetings, programs and activities, and are able to communicate effectively with District and school staff about the education of their children, including:
1. Identification of the types of contacts between District or school staff and LEP parents/guardians of students with disabilities for which interpretation will automatically be provided in the District's predominant languages and those for which interpretation must be made available upon LEP parent request.
 2. Identification of District and school site staff responsible for arranging for qualified interpreters when requested or necessary for effective communication with LEP parent/guardians of students with disabilities, including:

- a. Procedures to be used by District and school administrators and staff to obtain interpreter assistance in the predominant languages or when a District or school site interpreter is not readily available..
 - b. Procedures to be used by District and school administrators to obtain interpreter assistance in non-predominant languages.
 3. Description of steps that will be taken to ensure that interpretation will be provided in a timely manner and without the imposition of an undue burden on or delay in rights, benefits, or services to LEP individuals.
- E. Quality of Translation and Interpretation. A description of how the District will ensure that translation and interpretation services are effective and provided by qualified individuals, including the steps the District will take to ensure the following:
1. Qualified Interpreters and translators are individuals who have been appropriately trained on specialized educational terminology, confidentiality issues and other interpreter protocols and responsibilities, and have demonstrated their ability to communicate effectively in English and the target language.
 2. District and school staff are notified of the requirement to utilize qualified interpreters and translators.
 3. Individuals who are not District-qualified interpreters, including students and other children, will not be relied on to provide oral interpretation or translation except in emergency situations.
- F. LEP Parent/Guardian Requests and Notice. A description of how the District will provide written notice to parents/guardians of students with disabilities on the availability of District-provided interpreters and translation services for the District's predominant non-English languages as follows.
1. The notice will include:
 - a. A description of the process to follow to make request for oral interpreter or translation services.
 - b. A statement of the District responsibility to serve all LEP individuals regardless of the size of the language group.
 - c. A statement that the District will accept a parent's assertion of LEP status and need for interpretation and translation assistance.
 - d. Information on how to contact bilingual staff for any questions related to requesting interpreter services or translated documents.
 2. The notice should be printed in English and the predominant languages in the District and schools and made visibly available in District offices and school sites at all points of contact with the public as well as on the District's and schools' websites. Additionally, the notice will be distributed as follows:
 - a. Attached to or included in hard copy and electronic publications and documents that are routinely provided to parents.

- b. Through other means identified by the District such as District/school site telephone voice mail menu, school/parent advisory committees, local media (including non-English language media), etc.
 3. Parent Request forms for interpreters and translators will be printed in English and the predominant languages in the District and made available in District offices and school sites at all points of contact with the public as well as on the District's and schools' websites. The request form will notify parents where to return the form and where to obtain additional information on interpretation and translation services.
- G. Training.** Provisions for the following employee trainings to be conducted by the timeframe referenced in the Reporting Requirements for Section III of this agreement and annually thereafter for new employees:
 1. All individuals who will provide interpretation or translation for parents will be trained on the role of the interpreter and translator, the ethics and protocols for interpreting and translating, and the need to maintain confidentiality.
 2. All school site administrators and relevant District administrators will be trained on the Plan, including the policies and procedures for providing interpretation and translation services, and their responsibilities for ensuring that the Plan is implemented.
 3. All staff who have contact with parents will be provided an overview of the Plan and related policies and procedure, and will be trained on how to arrange for interpretation or translation services upon request or when needed to effectively communicate with LEP parents/guardians.
- H. Self-Monitoring.** A description of how the District will annually evaluate, based on data collected, the adequacy of the District's efforts to meaningfully communicate with LEP parents/guardians of students with disabilities, including through:
 1. Logs of parent and staff requests for translation and interpretation services maintained by the District and school sites for special education related activities. The logs will include:
 - a. The date of the request
 - b. The nature of the request
 - c. The language for which the request was made.
 - d. The name of the individual who provided the service and whether he she was qualified to do so.
 - e. The source of the interpreter/translator (e.g. District translation unit, school site employee, vendor).
 - f. The date the service or document was provided.
 2. A service log for each District level interpreter and translator that includes the date, site, and nature of the service provided.

3. Maintenance of records of LEP parent/guardian complaints regarding interpretation and translation services by language group and type of problem (e.g. timeliness or competency).
 4. A description of how the District will review the logs and take other steps to monitor schools to ensure that they engage in effective communication with LEP parents/guardians.
- I. By June 30, 2016, the District will identify to OCR the District level staff member who will be primarily responsible for any needed revisions to the Plan and will be OCR's point of contact for communications related to the revisions and implementation of the Plan.

Reporting Requirements for Section III:

- a) Within 60 days of the date this agreement is signed, the District will provide OCR with the name, job title, email address and phone number of the individual it has designated to be primarily responsible for any amendments to the Plan and be OCR's point of contact for communications related to the development and implementation of the Plan.
- b) By September 30, 2016, the District will provide OCR with the following:
 - 1) A written needs assessment described in Item III.A.
 - 2) The list of documents identified in Items III.C.1. with an indication of which documents have already been translated and the languages into which each has been translated.
 - 3) A copy of the notice in English and the predominant languages in the District as described in Item III.F.1, a link to the District and school websites where the notice is posted and a narrative description of the other means of distribution identified in Item III.F.2.
 - 4) A copy of the parent request forms in English and the predominant languages in the District as described in Item III.F.2.
- c) By June 30, 2016, the District will provide OCR with any amendments to its LEP Parent Communication Plan for parents of students with disabilities so that it contains all of the elements described in Section III of this agreement.
- d) Within 60 days of receiving OCR's approval of the Plan, the District will publish any revisions to the Plan and formally adopt related policies and procedures.
- e) Within 90 days of approving the Plan, the District will conduct the training described in Item III.H.
- f) Within 10 days of conducting the above training, the District will provide documentation of the training including copies of the PowerPoint presentation, if there was one, handouts, dated sign-in sheets, and the name and title of the presenter(s).

- g) Within 365 days of OCR's approval of the Plan, the District will provide OCR with its first self-monitoring report as described in Item III.I.

Monitoring

The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the statutes and regulations at issue in this case.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff 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 statute(s) and regulations, 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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____

Dr. Brian McDonald, Superintendent

05/12/2016

Date