

Resolution Agreement Cleveland
Metropolitan School District OCR
Docket #15-08-1276

The Cleveland Metropolitan School District (the District) voluntarily submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving OCR Docket No. 15-08-1279 and ensuring compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100 (Title VI).

The District acknowledges that, under Title VI, it has an obligation to "adequately notify" national origin-minority group parents of school programs and activities that are called to the attention of other parents. The District further acknowledges that, under Title VI, it has the responsibility to ensure "meaningful access" to its programs and activities by persons with limited English proficiency. The District understands that the terms "adequately notify" and "meaningful access" mean that a parent who is considered to be limited English proficient (LEP) -based on his or her ability to read, speak, write, or understand spoken English-is not to be excluded from, or denied the benefits of, the District's programs and activities. Based on the foregoing, the District agrees to take the following actions:

ACTION STEPS

1. By October 14, 2011, the District will develop a written plan to provide language assistance to LEP parents/guardians (LEP parents) which ensures that they have meaningful access to the District's programs and activities. The written plan will include the following:
 - a. A process for notifying LEP parents, in a language that the parents will understand, of the availability of free language assistance with respect to school programs and activities. The notice will, at a minimum, be published on the District's website, in student and parent handbooks, and in any District-wide or school-based newsletters.
 - b. A process for identifying LEP parents who may need language assistance, including, at a minimum, through home language surveys, asking parents in a language they understand (in writing and/or orally as appropriate) if they need written translations or oral interpretation of communications and if so to specify the language(s) needed, identification through interaction between parents and staff, and taking into account that LEP students, whom the District has an obligation to identify, also may have LEP parents.
 - c. 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.

- d. A statement that, generally, the District will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration.
- e. A process that ensures that each school building has a centralized list of LEP parents identified as needing language assistance services, the type of language assistance services that they need, and a log of the language assistance services provided to them by date of service, type of service (e.g., translation or interpreter services for special education, disciplinary proceedings), and service provider (including name, position, and qualifications). The process will ensure that the list is provided to all staff in the building that may interact with LEP parents, as well as to the central administration. Staff for purposes of this Agreement will include all relevant administrators, teachers, counselors, and support staff.
- f. A process that ensures that the central administration maintains a District-wide list of LEP parents identified by each building as needing language assistance services, the type of language assistance services that they need, and a log of the language assistance services provided to them by the central office by date, type of service, and service provider.
- g. A process to ensure that, when the children of LEP parents transfer from one building to another within the District, information regarding the language assistance needs of the parents is transferred to the building to which their children transfer.
- h. A process by which District staff that are likely to interact with an identified LEP parent are advised of the parent's potential need for language assistance, the circumstances under which they may need assistance (e.g., parent-teacher conferences, documents related to disciplinary actions, disciplinary hearings, documents related to Individualized Education Programs (IEP) or Section 504 Plans, and IEP team meetings), the type of language assistance that they may need (e.g., translation services or interpreter services), and the means by which they may timely obtain such assistance for the parent.
- i. A process by which District staff may obtain in a timely manner appropriate, qualified translators or interpreters as needed.
- j. A process by which the District ensures that its 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.
- k. A process to ensure that interpreters have knowledge, in English and the parents' native language, of any specialized terms or concepts peculiar to the District program or activity for which they are providing services, including, but not limited to interpreters of IEP meetings having knowledge of special education (SPED) terminology.

1. A process to ensure that translators understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. The process should require, as deemed appropriate and necessary, consultation with relevant community organizations to help determine whether a document is written at an appropriate level for the intended audience.

- m. A process for notifying relevant District staff, on an annual basis, that the use of family members and friends for the provision of language assistance is generally not acceptable. The notice shall state that the use of such individuals may raise issues of confidentiality, privacy, or conflict of interest, and that, in many circumstances, such persons are not competent to provide quality, accurate interpretations. The process will also include notification to relevant District staff that they should not rely on such individuals to provide LEP parents meaningful access to important programs and activities and a caution that, even when LEP parents have voluntarily chosen to provide their own interpreter or translator, the District may still need, depending upon the circumstances of the encounter, to provide its own interpreter or translator to ensure accurate interpretation or translation of critical information, especially if, but not limited to, situations where the competency of the LEP parents' chosen interpreter is not established. Additionally, the notice shall state that the use of minor children raises particular concerns about competency, quality, and accuracy of interpretations and that it is never advisable to use such children to convey information about their own education and/or complex information.

- n. A process for identifying and translating vital written documents into the language of each frequently-encountered LEP parent group eligible to be served and/or likely to be affected by the District's program or activities. In determining which written documents are vital the District will consider the importance of the program, information, encounter, or service involved, and the consequence to the LEP parent if the information in question is not provided accurately or in a timely manner. At a minimum, the following vital written documents will be translated into the language of each frequently-encountered LEP parent group:
 - notice of procedural safeguards in the context of providing children with disabilities with a free appropriate public education (FAPE) under Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Individuals with Disabilities Education Act (IDEA);
 - documentation related to eligibility and placement decisions under Section 504 and IDEA;
 - disciplinary notices and procedures;
 - registration/enrollment forms, emergency notification forms and other forms most commonly used by the district to communicate with parents;
 - report cards and student progress reports;
 - notices of parent-teacher conferences or meetings;
 - parent handbooks and fact sheets;

- documentation regarding the availability of academic options and planning, including gifted and talented programs, alternative language programs, and counseling and guidance services; and
- screening procedures that request information from parents about the child's language background and the parents' preferred language for communication with the school.

2. Within 45 days of receipt of the OCR-approved language assistance plan, the District will adopt and implement the plan.

REPORTING REQUIREMENTS: By October 14, 2011, the District will submit to OCR, for review and approval, a copy of the language assistance plan it has developed pursuant to the requirements of Action Step 1 above. By June 8, 2012, the District will submit to OCR documentation demonstrating adoption and implementation of the language assistance plan developed pursuant to Action Step 1, above, and approved by OCR, including, but not limited to: the notification issued pursuant to Action Step 1(a); information that the District has maintained at the central office, pursuant to Action Step 1(f); a list of LEP parents (including name and buildings in which their children are enrolled), their language background, types of services that they require, and information as to any services provided to the parents by the central administration (including date of services, type of services, and name and qualifications of service provider); the annual notice issued to staff; and copies of the documents the District has translated. By October 1, 2012, the District and OCR will schedule an on-site visitation by OCR staff to at least five buildings identified by OCR. During the visitations, OCR will evaluate the buildings' implementation of the terms of this agreement through interviews with District staff and review of documentation maintained by the building pursuant to Action Step 1(e).

3. By October 14, 2011, the District will develop a written plan for the annual evaluation of the effectiveness of its language assistance plan, developed pursuant to Action Step 1, above. The written evaluation plan will include the following:
 - a. Identification of staff responsible for evaluating the language assistance plan on an annual basis.
 - b. Identification of the date by which the evaluation will be completed on an annual basis.
 - c. A list of information and items to be examined when evaluating the effectiveness of the language assistance plan, which will include, at a minimum, the following: identification of the current LEP parent groups encountered by the District; the frequency of encounters with LEP parents; the nature and importance of activities to LEP parents; the availability of resources, including technological advances and sources of additional resources, and the costs imposed; whether existing assistance is meeting the needs of LEP parents; whether staff knows and understands the language assistance plan and how to implement it; and whether identified sources for language assistance are timely available and viable.

- d. A process for determining whether new documents, programs, services and activities need to be made accessible for LEP parents, and whether the District needs to provide notice of any changes in services to LEP parents and to district staff.
4. Within 45 days of receipt of the OCR-approved evaluation plan, the District will adopt and implement the plan.

REPORTING REQUIREMENTS: By October 14, 2011, the District will submit to OCR, for review and approval, a copy of the plan it has developed pursuant to the requirements of Action Step 3, above. By October 1, 2012, the District will submit to OCR documentation demonstrating the results of its evaluation of the District's implementation of its language assistance plan during the 2011-2012 school year, consistent with the evaluation plan approved by OCR, including documentation of any changes resulting from the evaluation.

General Requirements

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 regulation implementing Title VI at 34 C.F.R. §§ 100.3(a) and (b), which were 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 in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, 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 34 C.F.R. §§ 100.3(a) and (b).

/s/

Superintendent or Designee

9/14/11

Date