

**Ohio Department of Education
Resolution Agreement
OCR Docket No. 15-15-1426**

The Ohio Department of Education (ODE) voluntarily submits the following Resolution Agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to ensure 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, and to resolve the above-referenced complaint.

ODE acknowledges that, under Title VI, it has an obligation to “adequately notify” national origin-minority group parents/guardians of school programs and activities that are called to the attention of other parents/guardians. ODE 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. ODE understands that the terms “adequately notify” and “meaningful access” mean that a parent/guardian 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, ODE’s programs and activities. Based on the foregoing, ODE agrees to take the following actions:

- A. By December 31, 2016, ODE will develop a written plan to provide translated documents and other content on its special education web page and related web pages (including the dispute resolution page) to LEP parents/guardians (LEP parents or parents) that ensures they have meaningful access to ODE’s programs and activities. The written plan will include the following:
1. A requirement that ODE publish a notice, in a conspicuous location on its website (at a minimum, on the home page and special education page), notifying LEP parents, in a language that the parents will understand, of the availability of free language assistance with respect to agency programs and activities. This provision of the plan will identify the source of the information ODE will use to determine the languages into which it will translate the notice (e.g., Consolidated State Performance Report, enrollment data).
 2. 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, 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.
 3. A statement that, generally, ODE will accept a parent’s assertion that he or she needs language assistance without requiring additional corroboration.
 4. A process by which ODE staff may obtain, in a timely manner, appropriate, qualified translators or interpreters as needed.

5. A process by which ODE will ensure 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.
6. A process to ensure that interpreters have knowledge, in English and the parents' native language, of any specialized terms or concepts peculiar to the ODE program or activity for which they are providing services, including but not limited to interpreters and translators having knowledge of special education terminology.
7. A process for identifying and translating vital written special education documents and other website content into the language of each frequently-encountered LEP parent group eligible to be served and/or likely to be affected by ODE's program or activities. In determining which written special education documents are vital to adequately notify LEP parents of ODE's programs, services and activities that are called to the attention of other parents, ODE 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.
8. A process designed to periodically assess the quality of the interpreter and translation services being provided by ODE. The process will include, at a minimum, a method for gathering feedback from LEP parents on whether they understand the translated information they have received via ODE's website and whether they are receiving the translation and interpretation of essential information on a consistent and timely basis.

Reporting Requirement: By December 31, 2016, ODE will submit to OCR, for review and approval, a copy of the language assistance plan it has developed pursuant to the requirements of Item A above.

- B. Within 60 calendar days of receipt of the OCR-approved language assistance plan, ODE will adopt and implement the plan.

Reporting Requirement: Within 60 calendar days of receipt of the OCR-approved language assistance plan, ODE will submit to OCR documentation demonstrating adoption and implementation of the language assistance plan developed pursuant to Item A, including but not limited to: the notification issued pursuant to Item A.1 and copies of the documents ODE has translated, including links to any translated communications available on ODE's website.

General Requirements

ODE understands that OCR will not close the monitoring of this agreement until OCR determines that ODE has fulfilled the terms of this agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3, which was at issue in this complaint.

ODE understands that by signing this agreement it agrees to provide data and other information in a timely manner. Further, ODE understands that during the monitoring of this agreement, OCR may visit ODE, interview staff, and request such additional reports or data as are necessary for OCR to determine whether ODE has fulfilled the terms of this agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3.

ODE 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 ODE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

10/26/16

Superintendent of Public Instruction or Designee
Ohio Department of Education

Date