

**Columbus City Schools
Resolution Agreement
OCR Docket No. 15-15-1428**

Columbus City Schools (the District) 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, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, and to resolve the above-referenced complaint.

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:

Individual Remedies

A. By **October 31, 2016**, the District will provide the Students’¹ parent(s) with Spanish translations of vital documentation² related to eligibility and placement decisions made by the Students’ Individualized Education Program (IEP) and/or Section 504 teams during the 2014-2015 and 2015-2016 school years, which will include, at a minimum, a copy of the IEP and/or Section 504 plan. The District will notify each of the Students’ parent(s), in Spanish, that they may make a request to the District, within 21 calendar days of the provision of the translated documents to the parent(s), to convene an IEP and/or Section 504 team meeting, at which the District will provide qualified Spanish interpreter services. The purpose of the meeting is to review each student’s existing (or most recent plan if the student is not currently on one) IEP and/or Section 504 plan with the parent(s), to allow the parent(s) to ask questions about the placement decision, and to permit the students’ parent(s) to provide any input that they were unable to provide during the most recent IEP and/or Section 504 meeting, due to language barriers. If a student’s parent(s) chooses not to request a meeting or declines to respond by the deadline, the District is not required to convene that student’s IEP and/or Section 504 team.

Reporting Requirement: By **November 30, 2016**, the District will provide OCR with documentation to demonstrate its implementation of Item A, including: (i) copies of all translated documents provided to the Students’ parent(s); (ii) a copy of any notification sent

¹ “Students” refers to the students identified in OCR’s January 29, 2016, letter to the District.

² For guidance on what constitutes a vital document, the District will refer to the requirement of Item C.14 of the Agreement.

to the Students' parent(s) pursuant to Item A; and (iii) the Students' parent's(s') response, if any, to the notification sent to the parent(s) pursuant to Item A.

- B. If a student's parent(s) requests an IEP and/or Section 504 team meeting in accordance with Item A, the District will, by **November 15, 2016**, convene the student's IEP and/or Section 504 team, including the student's parent(s), a qualified Spanish language interpreter, and individuals at the District who are knowledgeable about the student, the meaning of the evaluation data, and placement options, to review the student's current placement with the parent(s), answer any questions raised by the parent(s) and obtain the parent's(s') input. If the IEP and/or Section 504 team determines, for any reason, that the parent's(s') input raises concerns that the placement decision(s) made during the 2014-2015 and 2015-2016 school year was not appropriate to provide the student with a free appropriate public education (FAPE), the District will take the necessary steps to ensure that the student's placement is in conformity with the requirements set forth at 34 C.F.R. § 104.33.

Reporting Requirement: By **November 30, 2016**, the District will provide OCR with documentation to demonstrate its implementation of Item B, including: (i) copies of the District's efforts to schedule a meeting with the students' parent(s) and the student's parent's(s') response; (ii) copies of any notes or related documents from the meetings showing when the meetings occurred, who was present, what was discussed, the decisions made and the bases for those decisions; (iii) name and qualifications of the Spanish language interpreter(s) present at the meeting; and (iv) a copy of any amended IEP and/or Section 504 plan developed for the student; and (v) a copy of any notification sent to the student's parent(s). OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

District Remedies

- C. By **December 2, 2016**, the District will develop a written plan to provide language assistance to LEP parent(s)/guardians (LEP parent(s)) that ensures they have meaningful access to the District's programs and activities. "Staff," for purposes of this plan, will include all relevant administrators, teachers, counselors, and support staff. The written plan will include the following:
1. A process for notifying LEP parent(s), in a language that the parent(s) 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.
 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, the District will accept a parent's assertion that he or she needs language assistance without requiring additional corroboration.
4. A process for identifying LEP parent(s) who may need language assistance through, at a minimum, (i) a home language survey that asks parent(s), 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 services needed, (ii) interaction between parent(s) and staff, and (iii) using information about LEP students, whom the District has an obligation to identify, to determine if those students have LEP parent(s).
5. A process that ensures that each school in the District has a centralized list of LEP parent(s) identified as needing language assistance services and the type of language assistance services they need. Each school will also maintain a log of the language assistance services provided to parent(s) by date of service, type of service (e.g., translation or interpreter services for special education, disciplinary proceedings), and service provider (including name and position). The list will be provided to all staff in the building that may interact with LEP parent(s) or students during regular school hours as well as after school activities and programs. The District will also ensure that this information is readily available for reference as a part of its regular protocol for contacting parents during emergency situations.
6. A process that ensures that District administration maintains a District-wide list of LEP parent(s) with student names identified by each school building as needing language assistance services, the type of language assistance services they need, and a log of the language assistance services provided to parent(s) by the District administration office by date, type of service, and service provider. To the extent that the information can be maintained and accessed electronically, the District will investigate those methods.
7. A process to ensure that, when the children of LEP parent(s) transfer from one school to another within the District, information regarding the language assistance needs of the parent(s) is transferred in a timely manner to the school to which the child transfers.
8. 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 they might need (e.g., translation services or interpreter services), and the means by which they may timely obtain such assistance for the parent. Information will be accessible from the LEP lists provided to schools and the District administration offices parent(s).
9. A process by which District staff may obtain, in a timely manner, appropriate, qualified translators or interpreters as needed.

10. A process by which the District 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.
11. A process to ensure that interpreters have knowledge, in English and the parent's(s') 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 terminology.
12. 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 the District or relevant community organizations to help determine whether a document is written at an appropriate level for the intended audience.
13. 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 family members and friends to provide LEP parent(s) meaningful access to important programs and activities and a caution that, even when LEP parent(s) 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 in, but not limited to, situations where the competency of the LEP parent's(s') 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.
14. 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:
 - a. 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);

- b. documentation related to eligibility and placement decisions under Section 504 and IDEA;
- c. disciplinary notices and procedures;
- d. registration/enrollment forms, emergency notification forms and other forms most commonly used by the district to communicate with parent(s);
- e. report cards and student progress reports;
- f. notices of parent-teacher conferences or meetings;
- g. parent handbooks and fact sheets;
- h. documentation regarding the availability of academic options and planning, including gifted and talented programs, alternative language programs, and counseling and guidance services; and
- i. screening procedures that request information from parent(s) about the child's language background and the parent's(s') preferred language for communication with the school.

Reporting Requirement: By **December 2, 2016**, 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 Item C.

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

Reporting Requirements: Within 60 calendar days of receipt of the OCR-approved language assistance plan, the District will submit to OCR documentation demonstrating adoption and implementation of the language assistance plan developed pursuant to Item C, including the notification issued pursuant to Item C.1 and the annual notice issued to staff pursuant to C.13. Within 180 calendar days of receipt of the OCR-approved language assistance plan, the District will submit to OCR documentation of the following: information the District has maintained at its District office, pursuant to Item C.6; a list of LEP parent(s) (including name and schools in which their children are enrolled), types of services that they require, and information as to any services provided to the parent(s) by District administration (including date of services, type of services, and name of service provider and copies of any logs kept pursuant to the Item C.6 above); and copies of the documents the District has translated, including links to any translated communications available on the District's website. Within 365 calendar days of receipt of the OCR-approved language assistance plan, the District and OCR will schedule an on-site visitation by OCR staff to individual school buildings identified by OCR, to occur when the District has been in plan implementation for at least six months. During the visitations, OCR will evaluate the schools' implementation of the terms of this

agreement through interviews with District staff and review of documentation maintained by the school pursuant to Item C.5.

E. By **December 16, 2016**, the District will develop a written plan for the annual evaluation of the effectiveness of its language assistance plan, developed pursuant to Item C, above. The written evaluation plan will include the following:

1. Identification of staff responsible for evaluating the language assistance plan on an annual basis.
2. Identification of the date by which the evaluation will be completed on an annual basis.
3. 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 availability of information about LEP parent(s) and the need for assistance District-wide and at schools; the frequency of encounters with LEP parent(s); the availability of translation and interpreter services, including technological advances and sources of additional resources, and the costs incurred; whether existing language assistance is meeting the needs of LEP parent(s); whether staff are aware of and understand the language assistance plan and how it is implemented, including their role, if any; and whether identified sources for language assistance are provided in a timely manner.
4. A process for determining whether new documents, programs, services and activities need to be made accessible for LEP parent(s), and whether the District needs to provide notice of any changes in services to LEP parent(s) and to District staff.
5. A quality control system designed to periodically assess the quality of the interpreter and translation services being provided by the District and to ensure that the interpreters and translators used by the District are qualified. This assessment system will include, at a minimum, a method for gathering feedback from students and parent(s) on whether they understand the information they have received via District interpreters and translators and whether they are receiving the translation and interpretation of essential information on a consistent and timely basis.

Reporting Requirement: By **December 16, 2016**, the District will submit to OCR, for review and approval, a copy of the evaluation plan it has developed pursuant to the requirements of Item E above.

6. Within 60 calendar days of receipt of the OCR-approved evaluation plan, the District will adopt and implement the plan.

Reporting Requirement: Within 60 calendar days of receipt of the OCR-approved evaluation plan, the District will submit documentation verifying it adopted and implemented the plan. Within 365 calendar days of receipt of the OCR-approved

language assistance plan, the District will submit to OCR documentation demonstrating the results of its evaluation of the District’s implementation of its language assistance plan through the first 365 days after OCR approved the plan, 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 Title VI and its implementing regulation at 34 C.F.R. § 100.3 and Section 504 and its implementing regulation at 34 C.F.R. §§ 104.35(c) and 104.36, which were at issue in this complaint.

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 Title VI and its implementing regulation at 34 C.F.R. § 100.3 and Section 504 and its implementing regulation at 34 C.F.R. §§ 104.35(c) and 104.36.

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/

09/23/2016

Superintendent or Designee
Columbus City Schools

Date