

RESOLUTION AGREEMENT
Carlsbad Municipal Schools
Case Number 08-18-1442

Carlsbad Municipal Schools (District) enters into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 Code of Federal Regulations Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. Part 35. As a recipient of Federal financial assistance from the Department, the District is subject to these laws and regulations.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

1. The District will hold an IEP team meeting for the Student, which will include consideration of the appropriateness of compensatory services for the alleged failures to implement the Student's IEP and respond appropriately to disability harassment against the Student, as identified in Complaint 08-18-1442. The District will ensure that the IEP team meeting is a team of persons knowledgeable about the Student, the evaluation data, and the placement options. The District will take reasonable steps to obtain parental participation in the meeting, including communicating through multiple methods, if necessary (phone, writing, email), and ensuring that the meeting is held at a time and place convenient to the parents. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENT: Within 30 days after the execution of this Resolution Agreement, the District will submit to OCR documentation showing implementation of Paragraph 1, including a copy of any meeting minutes, meeting notices, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Paragraph 1. 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, and notify the District when it has completed this review.

2. If the IEP team determined that compensatory services are appropriate, the District will take steps to provide services.

REPORTING REQUIREMENT: Within 60 days of the IEP meeting identified in Paragraph 1, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s) and will provide OCR documentation demonstrating that it has provided all of the education or services. If the IEP team determined that no compensatory education or other remedial services were appropriate, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation.

3. The District will review and revise its policies and procedures for responding to disability harassment complaints so that the policies and procedures are compliant with Section 504 and Title II.

REPORTING REQUIREMENT: Within 30 days after the execution of this Resolution Agreement, the District will submit to OCR for review and approval the District's proposed policies and procedures for responding to disability harassment. Within 60 days of OCR's approval of the policies, the District will adopt the approved policies and provide notice of these to District staff, parents, and students. The notice may be accomplished by placing information regarding the policies and procedures in school newsletters and the District's website with links to these posted on its website. The District will provide OCR with supporting documentation to show the approved policies and procedures were adopted and the notices were provided.

4. The District will identify and train the staff members at XXXXX who are responsible for responding to disability discrimination complaints. The training will include the revised policies and procedures and how to investigate harassment complaints.

REPORTING REQUIREMENT: Within 30 days of OCR's approval of the policies identified in Paragraph 3, the District will provide OCR with a copy of the training agenda, training materials, and identify the trainer and her/his qualifications to provide the training, for OCR's review and approval.

Within 60 days of OCR's approval of the trainer and training materials, the District will provide OCR with a copy of all handouts provided during or before the training, a list of all staff identified to receive the training, and a sign-in sheet for those attending the training.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

For Carlsbad Municipal Schools:

_____/s/_____
Superintendent Greg Rodriguez

10/22/2018
Date