

**RESOLUTION AGREEMENT**  
Redlands Unified School District  
OCR Case Number 09-13-1352

In order to resolve the compliance concerns raised and the finding of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), the Redlands Unified School District (District), without admitting any liability, agrees to implement this Resolution Agreement (Agreement).

**I. INDIVIDUAL STUDENT REMEDY**

**A. Meeting of the Student's Individualized Educational Program (IEP) Team and Compensatory Services and Reimbursement**

1. Within 15 school days of signing this Agreement, after providing proper written notice to the Student's parent/guardian, the District will convene an IEP meeting of a group of knowledgeable persons, including the Student's Parents, to determine whether the Student needs compensatory and/or remedial services related to any adverse effects experienced by the Student due to the physical and mechanical restraint of the Student on April X, 2013, and May XX, 2013.
2. If it is determined that the Student needs compensatory and/or remedial services, within one week of this determination, the group will develop a plan for providing timely compensatory and/or remedial services, which may include but is not limited to counseling and/or educational and/or equine therapy, with a completion date not to extend beyond August 2018. The District will provide the Student's parent/guardian notice of the East Valley SELPA Parent Rights and Procedural Safeguards, including the right to challenge the determination by the District IEP team members, through an impartial due process hearing.
3. Within 30 calendar days of receiving a copy of the signed Agreement, the Student's Parents will provide to the District Special Education Department any receipts for reimbursement for any out-of-pocket medical expenses, including for XXXXXXXXXXXXXXXX and XXXXXX XXXXXX XXXXXXXX, incurred in the year following the May XX, 2013 incident, i.e., May XX, 2013, through May XX, 2014.

**B. Reporting Requirements**

1. Within 30 calendar days of signing this Agreement, the District will provide OCR with documentation that it has sought the consent of the Student's Parents to attend the IEP team meeting described in Section I(A)(1).
2. Within 5 school days of the IEP team meeting, the District will provide OCR with documentation that it has convened the IEP meeting described in Section I(A)(1).

3. Within 5 school days of the decision and/or offer made by the District IEP team members as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the decision and/or offer and, if a determination was made that compensatory and/or remedial services are needed, a plan to implement proposed services as described in Section I(A)(2). This supporting documentation shall include:
  - a. An attendance list indicating who participated in the IEP meeting;
  - b. An explanation for the decisions and/or offers made by the District IEP team members and the information provided and considered during the IEP meeting; and
  - c. A description of, and schedule for, the provision of compensatory and/or remedial services (if any) offered to be provided to the Student.

OCR will, prior to approving the District's decision(s), offer and/or plan for providing any proposed services, review the documentation 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.

4. By June 2018, the District will provide documentation to OCR of the dates, times and locations that any compensatory and/or remedial services were offered and/or provided, a description of what was offered and/or provided, and the name(s) of each person who provided such offered services.
5. Within 45 calendar days of the District receiving from Parents the receipts for reimbursement described in Section I(A)(3) and proof of payment by Parents in the form of canceled checks, credit card receipts and detailed billing statements/invoices, the District will reimburse the Parents for all expenses reasonably incurred in an amount not to exceed \$5000.00 and provide documentation to OCR of the same. The check will be made payable to XXXXXXXX XXXXXX (the Student's mother).

## II. SYSTEMIC REMEDIES

### A. Behavioral Interventions for Students with Disabilities

1. Review and Revision of Policies and Procedures:
  - a. By June 2017, XXXXX Middle School (the School), in coordination with relevant experts employed by or under contract with the District, will review its policies, practices and procedures relevant to addressing students' disability-related behavioral issues and to the prevention of harassment and discrimination of students with disabilities. The District will make revisions, as necessary, consistent with the provisions of Section II of this Agreement, Section 504, Title II, IDEA and their regulations and will submit any revisions to OCR for review and approval.

- b. In reviewing and revising, the District will ensure that the School's policies, practices, and procedures, include the following:
  - i. A process to ensure that discipline is appropriate and equitable,
  - ii. Incorporation of research-based alternatives to exclusion and restraint use;
  - iii. A statement that restraints will not be used or will be used only as a last resort;
  - iv. A process to ensure that students with disabilities receive the evaluations, accommodations, services, modifications and placements that they need and that are required by their Section 504 and IEP plans and Behavior Intervention Plans (BIPs) to address any behavioral, social, or emotional needs impacting access to education and minimize removal from the classroom;
  - v. A clear, centralized mechanism for recording any and all removals from class and restraints and a process for ensuring that required manifestation determination meetings are held and a reevaluation of a student and/or the student's needs is conducted;
  - vi. An assurance that the School will not use mechanical, physical or other restraints against District students as a substitute for individualized positive behavior planning and implementation of a Section 504 plan, IEP, and/or BIP; and
  - vii. An assurance that the School has strategies in place to identify and address the needs of students who are subjected to one or more restraints and a system and strategy for identifying and remedying use of mechanical, physical or other restraint.

2. Creation of Plan for Positive Behavior Approaches

- a. The School will develop a research-based plan (Plan) for ensuring FAPE for students with disabilities, which will include implementation of proactive positive behavior approaches, such as Positive Behavioral Interventions and Supports (PBIS), restorative justice and/or a social emotional program or curriculum that is aligned with a response to intervention (RTI)<sup>1</sup> framework.

The Plan will include the following:

- i. Identification of the staffing and training resources necessary to support the development and School site implementation of the Plan and revised policies and procedures described in Section II(A)(1);
- ii. A description of how the District will use one or more research-based school-wide approaches, such as PBIS, restorative justice, and/or social emotional learning aligned with a behavioral RTI framework to prevent use of restraint;

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<sup>1</sup>Response to intervention is an approach to academic and behavioral intervention to provide early, systematic, and appropriately intensive assistance to children who are at risk for or already underperforming as compared to appropriate grade- or age-level standards. RTI seeks to prevent academic and behavioral failure through universal screening, early intervention, frequent progress monitoring, and increasingly intensive research-based instruction or interventions for children who continue to have difficulty.

- iii. A description of how the District will ensure that (1) School staff have sufficient training to identify the need to re-evaluate students with disabilities who demonstrate escalating behavioral, social and/or emotional needs which are negatively impacting their ability to access their education; and (2) appropriate IEPs, Section 504 plans, and BIPs (as needed) are developed consistent with the procedures required by the above-referenced laws and regulations, and staff are trained and consistently implementing such plans;
- iv. A protocol for (1) monitoring the fidelity with which the School is implementing the IEPs, Section 504 plans and BIPs of all students with disabilities; (2) providing copies of such plans to all staff working with such students; (3) ensuring training of staff on the plans; and (4) a process for accountability to ensure consistent implementation;
- v. A protocol to monitor the fidelity of the school-wide positive behavior intervention approach(es) to be implemented;
- vi. A process for identifying, acknowledging and utilizing site administrators and teachers with demonstrated best practices with regard to positive behavior interventions to serve as coaches to staff that interact with students with disabilities who have behavioral needs and/or staff that are responsible for implementation of plans for these students; and
- vii. A schedule for training on best practices for use of alternative interventions, behavior management, and reviewing and utilizing data and mechanisms for facilitating staff participation.

**B. Reporting Requirements**

- 1. By June 1, 2017, the District will submit to OCR for review and approval (1) all revisions to the School's policies, practices, and procedures as described in Section II(A)(1) and (2) the Plan described in Section II(A)(2).
- 2. Within 30 calendar days of receiving OCR approval of the revisions to policies and procedures and the Plan described above, the School will provide them to all administrators and staff, post them on its website, and provide OCR with documentation of the same.
- 3. By January 1, 2018, the School will submit to OCR documentation showing that it is implementing the Plan, including the following:
  - a. Data related to the School's use of restraint from the second half of the 2016-2017 school year through the first half of the 2017-2018 school year;
  - b. Documentation that positive behavior intervention approach(es) are being utilized consistently, including the results from any protocols and evaluation tools utilized to assess implementation of positive behavior intervention approach(es) described in the Plan; and
  - c. Documentation that all staff are routinely made aware of IEP, Section 504 plan and BIP requirements for students with disabilities, that such plans are

being implemented, and that staff are utilizing both training and coaching opportunities described in the plan.

### **III. WRITTEN GUIDANCE, TRAINING, AND PROFESSIONAL DEVELOPMENT**

#### **A. Written Guidance**

1. By July 3, 2017, the District will provide OCR with a draft of an administrative guidance document that describes the revisions to policies, procedures and practices and the Plan described in Section II(A)(1) and II(A)(2) for OCR review and approval.
2. Within 30 school days of receiving OCR's approval, the District will circulate the administrative guidance document to all school staff and school parents and provide OCR with documentation showing that the guidance was distributed.

#### **B. Training and Professional Development**

1. By September 1, 2017, the District will provide annual professional development and training to the School's site administrators and all employees, school site officers and security guards, classified staff, and consultants of the School on the following:
  - a. The administrative guidance document;
  - b. Staff and administrator responsibilities for implementing IEPs, Section 504 plans and BIPs, where such plans are located, how and when they will be informed of their responsibilities, and the individuals who can assist with supporting implementation;
  - c. The adverse effects caused by repeated use of restraints on students with disabilities, including those with autism, as well as successful non-restraints strategies, and positive pro-social, non-aversive alternatives, interventions and strategies for addressing serious maladaptive behaviors; and
  - d. A schedule of the training opportunities available at the School and in the District year round for working with students with significant behavior needs and implementing BIPs.
2. By December 31, 2017, the District will provide an annual information session for parents of students with disabilities at the School regarding the changes to policies and procedures and the Plan described in Section II(A)(1) and II(A)(2), which will also describe how parents can support school implementation of the Plan and implementation of their student's IEP, Section 504 plan, and/or BIPs with an emphasis on the use of positive pro-social, non-aversive alternatives, interventions and strategies for addressing serious maladaptive behaviors.

#### **3. Reporting Requirements**

- a. By August 7, 2017, the District will provide OCR with draft training materials and the qualifications of the individuals providing the training described in Section III(B)(1) for OCR review and approval.
- b. Within 30 school days of OCR's approval, the District will provide a schedule of the training described in Section III(B)(1)(d), which will be offered during the 2016-2017 and 2017-2018 calendar year.
- c. Within 30 school days of the last training described in Section III(B)(1)(d), the District will provide documentation that shows it conducted the trainings. The documentation will include sign-in sheets for each training which provide the name and date of the training and the participants' names and job titles; PowerPoint presentations and handouts used in the trainings; and confirmation of the names/titles of the trainers utilized.

#### IV. MONITORING

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 in compliance with Section 504 and Title II and their implementing regulations, 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 Section 504 and Title II and their implementing 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 60 calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent  
Redlands Unified School District

03/24/2017  
Date