

Resolution Agreement
Calahan Community Charter School/Los Angeles Unified School District
OCR Docket Numbers 09-13-1476/09-13-1487

In order to voluntarily resolve the issues in the above-referenced complaints, the Los Angeles Unified School District (District) and Calahan Community Charter School (Calahan), without admitting any violation of law, agree to implement this Resolution Agreement. The complaints were investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

I. Professional Development

- A. By June 30, 2014, the District will provide professional development to Calahan school site administrators, teachers, and other staff on recognizing and responding to complaint of disability harassment/discrimination. The topics will include:
1. The October 26, 2010 Dear Colleague Letter issued by OCR which clarifies the relationship between bullying and discriminatory harassment under the civil rights laws enforced by OCR;
 2. What types of conduct constitute harassment based on disability such as verbal acts, including name-calling, inappropriate comments about a student's disability, disability-related characteristics or classroom accommodations, or other conduct that may be physically threatening, harmful, or humiliating;
 3. The responsibilities of staff when they observe peer harassment based on disability, when a student makes a report of peer harassment, or when a parent/guardian raises allegations of discrimination based on disability;
 4. The requirement that, when a report of harassment is made, site administrators should take necessary interim actions to ensure a nondiscriminatory education environment and to ensure that the harassing conduct does not continue, pending the results of any investigation.
 5. An explanation that the District's Uniform Complaint Procedure (LAUSD BUL-5159.2) is the process the District uses to resolve all complaints alleging discrimination against a student by an employee, another student or a third party, including disability-based discrimination, a summary of the procedure, a reference to where individuals can locate the full procedure, and the name and contact information of the District level individual in the Educational Equity Compliance Office (EECO) to whom discrimination complaints should be submitted.

6. The requirement that students, parents/guardians who report disability discrimination, including harassment, must be notified that they can address their complaints through LAUSD BUL-5159.2 and how to obtain a copy of the procedure, and how to file a complaint.

B. By September 30, 2014, the District will provide professional development to the Educational Service Center (ESC) administrators and other staff who have responsibility for investigating complaints of discrimination against students. The professional development will include the following topics:

1. The October 26, 2010 Dear Colleague Letter issued by OCR which clarifies the relationship between bullying and discriminatory harassment under the civil rights laws enforced by OCR;
2. What types of conduct constitute harassment based on disability such as verbal acts, including name-calling, inappropriate comments about a student's disability, disability-related characteristics or classroom accommodations, or other conduct that may be physically threatening, harmful, or humiliating;
3. A review of LAUSD BUL-5159.2 and the requirement that it be used when responding to an allegation that a student was subject to discrimination by a District employee, another student, or a third party;
4. The responsibilities of the ESC administrators under LAUSD BUL-5159.2, including the steps under Section VI.d of LAUSD BUL-5159.2, for investigation of complaints and reporting of the outcome to the EECO;
5. The standards for conducting prompt, thorough, and impartial investigations consistent with LAUSD BUL-5159.2;
6. Maintain adequate and appropriate documentation of all interviews and meetings involving the parties or witnesses, including a record of all communications with parents/guardians; and,
7. The timeframes of each stage of the complaint process, including investigation, preparing a report of investigative findings, and forwarding the investigative report to the EECO.

II. Individual Remedies

A. By June 30, 2014, the District will complete an investigation under LAUSD BUL-5159.2 of the complainant's allegation(s) that the Student was subjected to harassment based on disability in 2013 at Calahan, and provide OCR with a report of the outcome of the investigation and any steps the District took to remedy the complaint.

- B. By June 30, 2014, the District will extend an offer in writing to the complainant to convene an individualized education program (IEP) team meeting to discuss the educational needs of the Student, including whether the Student needs counseling or other support to address any ongoing effects of his interactions with the other student. If the complainant agrees to meet, the District agrees that it will follow any recommendations made by the IEP team.

III. Reporting and Monitoring Requirements

- A. By September 30, 2014, the District will provide to OCR a written description of the professional development administered pursuant to Items I.A and I.B, including the names and positions of the individuals who provided the training, the dates of the training sessions, and a list of the Calahan staff and administrators, and ESC administrators who attended the training.
- B. By June 30, 2014, the District will provide OCR with a copy of the investigation report and any remedial action resulting from its investigation under Item II.A.
- C. By June 30, 2014, the District will provide OCR a copy of letter the District sent to the complainant to convene the IEP team meeting pursuant to Item II.B, and a summary or notes of the IEP including any recommendations concerning the provision of counseling to the Student. If the IEP recommended counseling or other services, the report will include confirmation of how and when the services were provided.
- D. 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 regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.7, 104.33 and Title II regulations, at 28 C.F.R. §§ 35.107(b), 35.130(a) and (b) which were at issue in this case.
- E. The District understands that by signing this agreement, they agree 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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.7, 104.33, and Title II at 28 C.F.R. §§ 35.107(b), 35.130(a) and (b) which were at issue in this case.
- F. 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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent

_____5/2/2014_____
Date