

## **Resolution Agreement Reached During an Investigation**

Long Beach Unified School District

OCR Case Number 09-14-1057

In order to resolve the issues raised under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), and without admitting or conceding any violation of Federal law with respect to the issues raised in the complaint, Long Beach Unified School District (District) agrees to implement this agreement.

### **I. District-wide Actions**

- A. By September 30, 2014, the District will provide documentation to OCR that it has issued a memorandum or guidance to all school administrators and special education staff stating that schools will not use the “Referral for Immediate Action” (RIA) process to transfer students with disabilities to other schools without first conducting an evaluation of the student’s disability and holding an IEP meeting.
  
- B. By September 30, 2014, the District will provide documentation to OCR (including sign in sheets and copies of training materials) that it has conducted training to administrators, special education staff, and other staff as appropriate on the District’s duty to provide a free appropriate public education (FAPE) to students with disabilities, including but not limited to:
  - i. the District’s special education and Section 504 policies and procedures;
  - ii. how to identify students who need or may need special education and/or related aids and services due to a disability or suspected disability;
  - iii. the function, duty, and requirements of an Individualized Education Program (IEP) team;
  - iv. the need to conduct an evaluation prior to a significant change in placement;
  - v. how to provide meaningful behavioral interventions, including developing behavioral support plans and when to refer students for further behavioral assessments;
  - vi. the disciplinary procedures for students with disabilities, including how to make manifestation determination decisions; and
  - vii. The District’s guidance (from Item I.A. above) regarding the need to conduct an evaluation and hold an IEP meeting prior to transferring a student with disability to another school through the RIA process.

## **II. School at Issue**

The District will take the following actions regarding the School:

- A. By September 30, 2014, the District will provide OCR with documentation that it has reviewed the upcoming (2014-2015) school year's master schedule to ensure that it provides students with the opportunity to be in a Special Day Class-Emotional Disturbance (SDC-ED) setting all day if needed. In addition, the District will provide documentation that it has reviewed the IEPs of all students eligible under the ED category to ensure that they will receive the amount of time in an SDC-ED setting as required by their IEPs. If the IEP review shows that the School had not implemented a student's IEP with respect to placement in an SDC-ED setting during the current (2013-2014) school year, the District will convene an IEP meeting for the student to discuss this issue and whether any changes need to be made to the student's IEP as a result.
- B. By September 30, 2014, the District will provide OCR with documentation that it has created, or revised as needed, procedures at the School that will ensure that all teachers and other service providers with responsibility for implementing a student's IEP or Section 504 plan are given the necessary information in a timely manner in order to provide the student with FAPE.

## **III. The Student**

- A. By September 30, 2014, the District will conduct a comprehensive evaluation of the Student's behavior, including a functional analysis assessment.
- B. By October 30, 2014, the District will convene an IEP meeting for the Student to review the results of the comprehensive evaluation and also to determine whether compensatory educational services are needed for the District's failure to implement the Student's IEP and for reducing his school day without an evaluation. Within 20 days of the IEP meeting, the District will provide OCR with copies of the evaluation results and IEP documentation.

## **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 the regulations implementing Section 504 at 34 C.F.R. §§104.33-104.36 and Title II

at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), 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 the regulations implementing Section 504 at 34 C.F.R. §§104.33-104.36 and Title II at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii).

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/\_\_\_\_\_  
Connie L. Jensen  
Assistant Superintendent, School Support Services

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Date May 8, 2014