

**Saddleback Valley Unified School District**  
**OCR Case Number 09-14-1150**

The U.S. Department of Education, Office for Civil Rights (OCR) initiated an investigation of a complaint alleging the District denied a free appropriate public education (FAPE) to a student. Pursuant to OCR's Case Processing Manual, OCR has the authority to resolve an investigation by means of a resolution agreement (Agreement) before the conclusion of the investigation when the recipient expresses an interest in such a resolution. Prior to the completion of OCR's investigation, the District expressed its desire to voluntarily resolve the issues in the review.

Without admitting to any violation of law, the District voluntarily agrees to the terms of this Agreement and agrees to comply fully with its provisions.

1. The District will provide reimbursement to the Complainants for expenses incurred for tutoring and homework assistance services provided to the Student between January 1, 2013, and the end of the spring 2013 semester in an amount not to exceed \$2,750.00. The District will reimburse the Complainants for expenses up to \$2,750.00 for which they provide receipts showing that services were provided through Club Z! tutoring service, and/or through a homework assistance program associated with the District or with a District school. Reimbursement will be provided within 30 days of both of the following: 1) receipts are submitted and 2) Board approval of this Agreement.

*Reporting:* By April 30, 2015, the District will provide OCR with documentation verifying that it reimbursed the Complainants for all expenditures covered by this provision.

2. The District will adopt revised procedures for the identification, evaluation, and placement of students who, because of disabilities, need or are believed to need special education or related services, that are consistent with the requirements of Section 504 and 34 C.F.R. section 104.32 – 104.36.

*Reporting:* The District provided OCR with a final draft of its revised Section 504 procedures and forms on February 11, 2015. The District will work cooperatively with OCR to address any comments or concerns, which OCR will provide within 30 days of full execution of this Agreement. The District will finalize and adopt mutually agreeable procedures and forms within 45 days of final approval by OCR.

3. Within 15 days of final approval by OCR, the District will distribute a memorandum to all site administrators, site Section 504 coordinators, and secondary school counselors, summarizing the referral procedures included in the District's revised Section 504 Procedures Manual. The memorandum will remind them of the procedures for responding to parent requests for special

education or Section 504 evaluation, and provide examples of circumstances under which students should be considered for referral for evaluation, including poor or failing grades over a significant period of time.

*Reporting:* The District will provide OCR with a draft of the memorandum described above by February 27, 2015. The District will work cooperatively with OCR to address any comments or concerns, which OCR will provide within 30 days of receiving the draft. The District will distribute the guidance to all school site administrators

General Provisions:

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 Title VI, Section 504, and Title II with respect to the issues 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 Title VI, Section 504, and Title II.

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 will give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
02/20/2015  
\_\_\_\_\_  
Superintendent

Date