

Arcadia Unified School District
Resolution Agreement
OCR No. 09-14-1322

The Arcadia Unified School (District) agrees to implement this Resolution Agreement without admitting to any violation of law to voluntarily resolve the issue in the above-referenced complaint. The complaint was investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (ADA) and its implementing regulations.

- A. The District will send a notice to each parent/guardian whose child was enrolled in one of the two self-contained special day classes at Dana Middle School during the 2013-2014 and 2014-2015 school years (i.e., students who attended either of these two special day classes in the 2013-2014 school year and continue to attend either of these two special day classes in the 2014-2015 school year), informing them that, due to instructional time for the students that was missed because of varying class dismissal times, the District will provide each student with 15 hours of compensatory instruction. The instruction will be provided as part of the students' Extended School Year (ESY) program during ESY 2015. The notice will inform each parent/guardian that, if they have questions or concerns about this matter, they are invited to discuss it at their child's next Individualized Education Program (IEP) meeting or by contacting the student's teacher or the Director of Special Education, Dr. David Muñoz.
- B. By December 19, 2014, the District will provide for OCR review a draft of the notice that will be provided to each parent/guardian. OCR will promptly review and provide comments, if any, to the draft notice. The District will send the notice to each parent/guardian within one week of approval, with any required changes.
- C. The requirement to provide the 15 hours of compensatory services will be noted in each student's IEP either through an addendum or other means (e.g., IEP addendum without meeting).
- D. Within two weeks of the end of 2015 ESY program, the District will submit documentation to OCR showing that it has provided each student with the compensatory services.

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 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 resolutions implementing Section 504 and Title II were at issue in this case.

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 regulation implementing 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 or 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/_____
Kevin Hryciw
Assistant Superintendent, Human Resource Services

Dated: December 17, 2014