

Resolution Agreement
Long Beach Unified School District
OCR Case Number 0-15-1069

The Long Beach Unified School District (District) agrees to implement this Resolution Agreement reached prior to a full investigation (Agreement), in order to resolve the issues under investigation by the U.S. Department of Education, Office for Civil Rights (OCR) in the above referenced case. In signing and executing this Agreement, the District does not admit to any violation of state or federal law.

1. By April 15, 2015, the District will audit all 2013-2014 and 2014-2015 kindergarten instructional minutes, and determine if any school site did not provide the same instructional minutes for all kindergartener students on the campus.
2. OCR and the District have agreed to identify those pupils with a disability that received the proper number of instructional minutes under EC § 46201, but received less than the number of minutes as another class on the same campus.
3. By May 1, 2015, the District will notify the parents/guardians of students with disabilities currently enrolled in the District who attended a kindergarten class on a campus as identified in subparagraph (3). For ease of reference, this group of students will be referred to herein as "Students." The District will provide OCR with lists of the Students identified and notified by school site. The above referenced written notification will inform Students' parents/guardians that:
 - a. The Student received the proper number of instructional minutes as required pursuant to Education Code § 46201, but received less than the number of minutes as another kindergarten class on the same campus.
 - b. Compensatory services are being offered in order to provide an opportunity to equalize the instructional minutes for all peers that attended the identified campus during the 2013-2014 and 2014-2015 school years. Whether parents/guardians accept the offer is optional; and
 - c. In the future, all disabled students will receive the same amount of instructional time as non-disabled students in the same grade, except those whose IEPs specifically provide otherwise based on their individual disability related needs.
4. A copy of the notice referenced in Item 3 will be sent to OCR by May 1, 2015.
5. The District will offer the compensatory education services described above during the 2014-2015 Summer term, in addition to normal extended school year educational services.
6. The District will provide OCR with a list of the students who received the compensatory services described above by August 31, 2015.

7. By May 1, 2015, the District will issue a memorandum to all District and school site principals stating that school schedules and transportation schedules must be arranged to ensure that all students receive equal instructional minutes in the same grade and all pupils have equal access to all school based interventions. The memorandum will further explain that any exceptions to equal instruction for students with disabilities, such as individual disability-related needs that may require a student to have a shorter instructional day, shall be determined on an individual basis, based on a student's individual needs, and as determined by the IEP team.
8. The District will provide notice to all elementary SDC students that they are eligible to attend afterschool programs with non-disabled peers at their assigned schools to the maximum extend appropriate to the needs of the individual student, with or without related aids and services as needed.
9. A copy of the notice referred in Item 8 will be sent to OCR by April 15, 2015.

OCR will monitor the District's implementation of all components of this Agreement. 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 of the Rehabilitation Act of 1973, at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990, at 28 C.F.R. Part 35, and Title Vi of the Civil Rights Act of 1964, at 34 C.F.R. Part 100, 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 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. Part 104, Title II at 28 C.F.R. Part 35, and 34 C.F.R. Part 100, which were at issue in this case.

_____/s/_____

03/30/2015

Chris M. Gutierrez-Lohrman, Ed.D.
Director Special Education & SELPA
Long Beach Unified School District

Date

_____/s/_____

03/30/2015

Tiffany Brown, Ed.D.
Assistant Superintendent, Office of School Support Services
Long Beach Unified School District

Date