

**Resolution Agreement**  
Compton Unified School District  
OCR Case Numbers 09-15-1227 and 09-15-1149

Compton Unified School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement and Addenda (Agreement) to resolve the issues investigated by the Office for Civil Rights, U.S. Department of Education (OCR), under the Title II of the Americans with Disabilities Act (Title II) and Section 504 of the Rehabilitation Act (Section 504), and Title VI of the Civil Rights Act of 1964 in the above-referenced complaints.

**Individual Remedies**

For OCR case number 09-15-1227, the District agrees to implement the remedies and reporting requirements identified in Addendum 1.

For OCR case number 09-15-1149, the District agrees to implement the remedies and reporting requirements identified in Addendum 2.

**I. Grievance Procedures and Guidance Memoranda**

- A. The District will revise its Uniform Complaint Procedures (UCP) to ensure that they provide a prompt and equitable response to complaints alleging discrimination, including harassment, on the bases of race, color, national origin, sex, disability and/or age. The revised procedures will include the following elements:
1. The procedures will apply to complaints against students, employees, and third parties.
  2. The procedures will inform the complainant of the availability of optional informal resolution, but will state that the student is under no obligation to participate in informal resolution.
  3. The procedures will state that the District must make a determination of whether interim measures are necessary during and pending the results of an investigation. Any such actions, whether interim or permanent, shall avoid or minimize to the extent possible any disadvantage to the student who complained.
  4. The procedures will include designated and reasonably prompt timeframes for the major stages of the complaint process (e.g., investigation, notice of outcome, appeal, etc.), as well as a process for extending timeframes.
  5. The procedures will provide that complainants are informed at regular intervals of the status of the investigation.
  6. The procedures will provide the complainant the opportunity to identify relevant witnesses and other evidence.

7. The procedures will provide that the District will conduct an investigation that is adequate, reliable, and impartial. The investigator will interview individuals who have knowledge relevant to the complaint, including, but not limited to, the complainant, the person who was the subject of the discrimination if different, the person accused of discrimination, anyone who witnessed the reported discrimination, and individuals identified as having relevant information. The investigator will also review any records, notes, memoranda, correspondence, or statements related to the discrimination. The District may take other appropriate investigative steps, such as visiting the location where the discrimination is alleged to have taken place.
  8. The procedure will provide an assurance that if discrimination, including harassment, is found, the District will take steps to stop the discrimination, prevent recurrence, and remedy discriminatory effects on the complainant and others, if appropriate.
  9. The procedures will require that written notification is provided to the complainant and/or target of the alleged discrimination explaining the District's investigative process, a summary of the factual information gathered, its determination as to whether discrimination occurred, the reasons for its decisions, and any appeal procedures. If discrimination is found to have occurred, the written notification will also include any remedial and corrective actions that have been or will be taken to address the discrimination and prevent any retaliation or recurrence.
  10. The District's procedures will state that it will disclose to the target of the discrimination information about the sanction imposed upon an individual who was found to have engaged in discrimination, including harassment, when the sanction directly relates to the targeted student.
  11. The District's procedures will include a statement that the District prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination. Any individual who believes he/she has been subjected to retaliation may file a separate complaint under this procedure.
- B. In satisfaction of the above, the District may choose to adopt the most recent California School Boards Associations (CSBA) Model Uniform Complaint Procedure.
- C. The District will update all publically available documentation related to the District's grievance procedure (including the District's website, the Board Policies and Administrative Procedures available through Gamut Online, all summaries of the Uniform Complaint Procedures provided on line and to District parents and employees, and other written materials concerning the Uniform Complaint Procedures) to reflect the above changes.
- D. The District will issue a guidance memorandum to all District staff and administrators regarding the revised UCP. The guidance memorandum will include, but is not limited to, the following:
1. A statement that the Uniform Complaint Procedure (UCP) is the District's procedure for addressing complaints alleging unlawful discrimination based on disability.

2. A statement that any school employee who observes any incident of discrimination, including harassment, involving a student, or receives a complaint (whether in writing or informally) or other notice of such discrimination, shall report the information within five days to the Associate Superintendent of Human Resources, or a designee, whether or not the targeted student files a complaint.
  3. A statement that the District is required to follow the steps itemized in the investigation of the UCP, including: a) conducting an adequate, reliable, and impartial investigation; b) preparing and sending a written report of the District's investigation and decision to the complainant; and ensuring that the report is in English and in the language of the complainant.
  4. A statement that parents or students who report an act of discrimination to any school employee must be informed of the Uniform Complaint Procedure.
- E. The District will issue a guidance memorandum to staff and administrators regarding school site staff responsibility to implement provisions in student IEPs and 504 plans. The guidance memorandum will include, but is not limited to, the following:
1. A statement that School staff and administrators are responsible for implementing the accommodations in students' Section 504 plans and IEPs. If the IEP/Section 504 team identifies deficiencies in the student's IEP/Section 504 plan or placement or in their implementation, it must take immediate steps to remedy those deficiencies.
  2. The name, title and contact information for the individual at the School whom teaching staff and administrators may contact if they have any questions or concerns regarding the implementation of the accommodations in a student's Section 504 plan or IEP.
- F. The District will develop and implement an action plan to ensure that complaints of discrimination are investigated promptly and thoroughly, consistent with the UCP, and that complainants receive notice of the results of investigations. The action plan will identify the steps that will be taken, the person(s) responsible, the date of completion, and the information that will be provided to OCR with respect to the following:
1. Identification and assignment of adequate numbers of staff members to investigate all complaints of discrimination within the timeframes in the UCP procedure, including a process for assigning additional staff if necessary due to higher than expected numbers of complaints.
  2. Documentation of all steps of the complaint investigation and response process, including referral of complaints of discrimination to appropriate investigative staff, review of documents and interviews of relevant witnesses, and provision of notice of the investigation results to complainants.
  3. Provision of adequate language services when complaints are filed by individuals with limited proficiency in English (LEP complainants) under the UCP, Williams Uniform Complaint Procedures. Such language services will include:

- a) Interpretation of interviews with LEP complainants and witnesses where necessary;
  - b) Written translation of all communications with complainants who file complaints in Spanish and with other LEP parents or students;
  - c) Oral interpretation of written communications with LEP complainants who speak languages other than Spanish.
4. Ongoing monitoring of implementation of all portions of the UCP, including translation of communications with LEP complainants.

## **II. Professional Development and Training**

- A. The District will provide training on the revised Uniform Complaint Procedures to all District Office personnel responsible for receiving complaints or conducting investigations.
- B. The District will provide training on staff responsibilities regarding the implementation of IEPs and 504 plans to the school site staff of XXXXXXXXXXXX High School. The training will also provide information on how to access further technical assistance from the District.

## **III. Monitoring and Reporting**

- A. By June 17, 2016, pursuant to Section I.A., the District will provide a draft of the revised Uniform Complaint Procedures to OCR for review and approval. Within 90 days of receiving OCR approval the District will provide documentary evidence to OCR that the approved procedures are adopted by the District.
- B. By June 17, 2016, pursuant to Section I.D., the District will provide a draft of the guidance memorandum to OCR for review and approval. Within 30 days of receiving OCR approval, the District will provide OCR with a final copy of the guidance memorandum and a distribution list pursuant to Section I.D.
- C. By June 17, 2016, pursuant to Section I.E., the District will provide a draft of the guidance memorandum to OCR for review and approval. Within 30 days of receiving OCR approval, the District will provide OCR with a final copy of the guidance memorandum and a distribution list pursuant to Section I.E.
- D. By May 18, 2016, pursuant to Section I.F., the District will provide a draft of the Action Plan to OCR for review and approval. Within 30 days of receiving OCR approval, the District will provide OCR with a progress update on the plan implementation. By June 30, 2016, the District will provide OCR with a full report on the plan implementation, including the following information:
  1. Status of each element of the Action Plan
  2. A list of all complaints of discrimination received in the District during the 2015-16 school year, with the following information for each complaint:

- a) Date of complaint;
  - b) General summary of allegations (e.g. alleged sexual harassment, alleged failure to implement Section 504 plan, etc.);
  - c) Staff member assigned to conduct the investigation;
  - d) Current status of the investigation;
  - e) For all completed investigations, a copy of the notice sent to the complainant, both in English and in any required translations.
3. A list of all complaints (under any complaint procedure) submitted in Spanish and the identity of the person who translated the District response to the complainant.
- E. By June 1, 2016, pursuant to Section II.A, the District will provide to OCR for review and approval a copy of the training agenda, including the names of the trainer(s) and the proposed date(s) of completion, which will be no later than June 1, 2016.
- F. By April 22, 2016, pursuant to Section II.B., the District will provide to OCR for review and approval a copy of the training agenda, including the names of the trainer(s) and the proposed date(s) of completion, which will be no later than June 1, 2016.
- G. Within 30 days of completion, the District will provide OCR with documentation that shows that it has completed the training described in Section II A and B. This documentation shall include (a) the names and titles of the trainer(s), (b) the dates of the trainings, (c) a copy of the final agenda and materials used at each of the trainings, and (d) a list of the participants.

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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act and its implementing regulations at 28 C.F.R. part 35, 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 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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act and its implementing regulations at 28 C.F.R. part 35, which were at issue in this case.



**Resolution Agreement – Addendum 1**  
Compton Unified School District  
OCR Case Numbers 09-15-1227

**I. Evaluation and Placement**

- A. The District will convene a Section 504 meeting by May 18, 2016, which is to be attended by a team of individuals knowledgeable about the Student, and about evaluation data concerning the Student. The purpose of the meeting, and subsequent meetings if necessary, is to ensure that the Student’s disabilities are fully and correctly identified, and that the Student’s Section 504 plan provides a placement and services that are adequate to meet all of the Student’s individual disability-related needs.
- B. The Student’s family will be given reasonable notice of the date on which the team will meet and be given opportunity to attend and to submit records or other information.
- C. At the meeting, the Section 504 team will review whether additional evaluation of the Student is needed to fully and accurately identify the Student’s disabilities. The team will review all existing records pertinent to these determinations.
- D. If the team determines that additional or more recent evaluation data are necessary to fully and correctly identify the Student’s disabilities, the District will complete the necessary assessments within 30 days of parent consent to the assessment, and the date for completing the placement process may be extended for an additional 10 days. If the team determines that additional assessment is not needed, the team will document the reasons for that determination in the Student’s Section 504 plan or an addendum.
- E. Either (a) at the initial meeting if the team determines that no additional assessments are needed or (b) at a subsequent meeting held within ten days of the date of completion of any additional assessments, the team will review whether the services, accommodations and modifications currently in place for the Student are appropriate and sufficient to meet his individual needs, or whether additional or alternate services, accommodations or modifications are needed. The District will also determine appropriate compensatory educational services to account for the Student’s accumulated academic deficits during the period he spent outside of his XXXXXXXX XXXXXX X classroom, in a manner and process consistent with the FAPE requirements under Section 504. This discussion will include consideration of academic support services and additional tutoring during the school year. All decisions concerning whether or not services, accommodations or modifications are needed, and the basis for the decisions, will be documented in the Student’s Section 504 plan, IEP or an addendum.
- F. The Student’s family will be provided with written notice of procedural safeguards at the initial meeting.

## **II. Individualized Support Plan**

- A. The District will establish a Support Team to ensure that the Student's disability-based needs, particularly those related to XXXXXXXX and XXXXX XXXXXXXXXXXXX, are met. This Support Team will:
1. include, at a minimum, the Student, the Student's parents, a medical professional, and relevant School personnel who are knowledgeable about the Student;
  2. develop an individualized Support Plan (Support Plan) to ensure that all parties are apprised of the steps needed to ensure that the Student's needs are met;
  3. establish a point person or point of contact; and
  4. prior to the Student's matriculation at any new school in the District, or upon the request of the Student or the Student's parents, meet to review and revise the Support Plan as necessary to ensure its continuing effectiveness for the duration of the Student's enrollment in the District. The first such meeting will be held on or before May 18, 2016.
- B. The designated point of contact will meet with the Student's teachers at the beginning of the fall 2015 and spring 2015 semesters to discuss the Support Plan and provide copies to all staff.

## **III. Letters to Parents/Guardians**

- A. Within 30 days of the date on which this agreement is signed, the School will send a letter to the parents/guardians of all District students for whom XXXXXXXX and/or XXXXX XXXXXXXXXXXX is identified as a medical condition on their Individual Health Plans (IHPs), Section 504 plans, and/or IEPs. The letter will:
- a. Inform them that the School is committed to providing a non-discriminatory educational environment for these students and following the provisions or accommodations in their IHPs, Section 504 plans or IEPs;
  - b. Invite any parents/guardians who have questions or concerns about any XXXXXXXX-related issues regarding their children, including attendance, illness or academic performance, to contact the School Principal, or to convene a SST, Section 504 or IEP team meeting, to discuss their questions or concerns.

## **IV. Monitoring and Reporting**

- A. Within ten days of the Section 504 meeting held pursuant to Section I., the District will provide to OCR documentation from the meeting, including (1) the names and titles of the participants, (2) documentation reflecting the team's decision, and the reasons for the decision, as to whether additional evaluation/assessment of the Student's disability-related behaviors is needed, (3) a copy of the individualized Support Plan that was developed, (4) documents supporting the group's decision regarding compensatory and/or remedial services and (5) any other meeting notes that were generated. If additional assessment is conducted, the District will provide OCR with a copy of the assessment

report and any revisions made to the Student's IEP by May 18, 2016. OCR will contact the District to review and approve the report.

- B. By June 18, 2016, the District will provide OCR with a summary of its implementation of the individualized Support Plan, including sufficient supporting documentation to demonstrate implementation of this Agreement. The summary should include information about how the District responded to any questions or concerns raised to date, as well as any changes to the Support Plan made during fall 2015.
- C. Within ten days of the date on which this agreement is signed, the District will provide a draft copy of the letter described in Section III to OCR for review and/ approval.
- D. By June 18, 2016, the School will send a copy of the letter described in Section III. to the parents/guardians of any incoming students for whom XXXXXXXXX is identified as a medical condition on their IHPs, Section 504 plans, or IEPs, and provide a copy to OCR.