

Resolution Agreement

Acton-Agua Dulce Unified School District

OCR Case No. 09-15-1284

In order to resolve the issues raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), the Acton-Agua Dulce Unified School District (District), without admitting any violation of federal law, and without a compliance determination by OCR, agrees to take the actions outlined in this Resolution Agreement (Agreement).

A. IEP Meeting:

- i. Within thirty days of the commencement of the 2015-2016 school year, the District will convene an IEP meeting to (1) clarify the Behavioral Intervention Plan (BIP) that is currently in effect (since there are two BIPs attached to the Student's April 2015 IEP), and (2) determine whether revisions to the current BIP are necessary. The IEP team will also determine whether the Student needs compensatory and/or remedial services to account for the period of time in October and November 2014 when the Student allegedly did not receive the behavioral support services identified in his Behavioral Intervention Plan. If the IEP team determines that compensatory services are needed, within two weeks of its determination, the group will develop a plan for providing the compensatory and/or remedial services the IEP team determines are appropriate. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
- ii. By October 15, 2015, the District will provide OCR with meeting notes from the IEP team meeting, a copy of the procedural safeguards notice provided to the Complainant, and a copy of the Student's IEP and Behavioral Intervention Plan. The District will also provide for OCR approval, the District's decision regarding whether compensatory and/or remedial services will be provided, a description of those services, the information considered, and a schedule for providing any compensatory and/or remedial services (if any) to the Student. If the IEP team determines that compensatory services are necessary, then the District will provide OCR with evidence that it has provided the services within two weeks of the end of each semester in which they are provided until the services are fully provided.

B. Training:

- i. The District will provide training to Albert Einstein Academy of Letters, Arts, and Sciences (School) staff, including site administrators, special education teachers, school psychologists, and general education teachers concerning the School's responsibility to ensure the provision of a free appropriate public education (FAPE) to students with disabilities under IDEA and Section 504. The training will include the District's responsibility to implement IEPs or Section 504 plans unless a new plan is developed, and to regularly monitor individual IEPs and Section 504 plans to ensure that they are properly implemented.

- ii. By September 30, 2015, the District will provide OCR with documentation of the training described above, including an agenda, all handouts, and sign-in sheets indicating the names and positions of the individuals who received the training.

C. Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F.R. Part 104 and 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 the regulation implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or District Representative

_____09/01/2015_____
Date

_____Tricia Blum CEO_____
Printed Name and Title