Resolution Agreement

Long Beach Unified School District
OCR Reference No. 09-16-1062

The Long Beach Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the violation identified by 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) and their implementing regulations in the above-referenced OCR case number.

I. Meeting to Discuss Compensatory Education Opportunities

A. By November 15, 2017 after providing proper written notice to the Student’s parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District’s failure to deliver instruction to the Student in English 3-4 accelerated and Modern World History accelerated during the 2015-16 school year. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 15, 2018. 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.

Reporting Requirements:

B. Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group’s decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District’s decision and plan for providing the proposed services, review the documentation to ensure that the District met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and, as applicable, Title II, at 28 C.F.R. 35.160, in making these determinations.

C. If the group determined that the Student would receive compensatory education and/or remedial services, by June 30, 2018, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

II. Criteria for Eligibility to Participate in Accelerated Classes.
A. By November 15, 2017, the District will develop criteria and procedures for establishing eligibility for accelerated classes at XXXXXXXXXXXXXXX School (Criteria for Eligibility/Prerequisites), including a list of currently offered accelerated classes. The District will submit a draft of the District’s criteria for eligibility and procedures for establishing eligibility as described in this Section II to OCR for review and approval. The District can use its existing District-wide High School Course Catalog to fulfill the requirement for determining criteria for accelerated classes, so long as the High School Catalogue states all criteria for all accelerated classes offered at XXXXXXXXX School, as well as how it is determined whether a student meets the criteria for a particular class.

Reporting Requirement

B. The District will finalize and distribute the criteria to all XXXXXXXXXXXXXXX School staff by email within 30 days of receiving OCR’s approval.

III. Non-Discrimination Policies for Accelerated, Honors, and Advanced Placement Classes

A. The District will develop policies and procedures for OCR review and approval regarding non-discrimination on the basis of disability in participation in accelerated, honors, and Advanced Placement classes. Specifically:

   i. Qualified Students with disabilities will be provided the same opportunities to compete for and benefit from accelerated, honors, and Advanced Placement programs and classes as are given to students without disabilities.

   ii. When a qualified student with a disability applies for entry into an accelerated class or program, the fact that the student has an Individualized Educational Program (IEP) or a Section 504 plan shall not be the sole basis for denial of participation in an accelerated course or program. Any questions concerning the potential effect of IEP/504 plan modifications, supports, special education, or related aids and services on a student with a disability participating in the accelerated class or program will be addressed as soon as possible through an emergency IEP or 504 team meeting.

Reporting Requirement

B. By November 15, 2017, the District will submit a draft of the policies and procedures as described in Section III to OCR for review and approval.

C. Within 30 days of receiving OCR’s approval, the District will: (1) adopt the policies and procedures, post them on the District’s website, publish them in any written
materials, such as student and staff handbooks, and send an email to all staff and students with a link to the revised policies and procedures and information about upcoming training and/or guidance regarding these materials.

D. Within 45 days of receiving OCR’s approval, the District will provide OCR with documentation of its distribution of the notice of nondiscrimination and policies and procedures, including links, emails, and copies of written publications.

IV. Written Guidance and Training

A. The District will issue a written guidance memorandum and facilitate training for all staff members at XXXXXXXXX School (the School) who have responsibility for ensuring that there is no discrimination against students with disabilities who seek to participate in accelerated, honors and Advanced Placement classes.

Reporting Requirement

B. By November 15, 2017, the District will submit a draft of the guidance memorandum, training materials, and titles/names of the proposed trainers as described in Section IV.A for OCR review and approval.

C. The District will finalize and issue the guidance memorandum and provide for training required under Section IV.A within 30 days of OCR’s approval.

D. Within 15 days of providing the training required at Section IV.A, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainers, a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of required District employees who did not attend, and a plan for follow-up for those employees who did not attend, as needed.

V. Records of Participation

A. For the 2017-18 school year, the District shall keep records for every student with a disability; defined as every student who has an IEP or Section 504 plan, who expresses an interest in an accelerated class offered at the School, including the outcome of the application, and, for those students enrolled in accelerated classes, the student’s academic performance in the accelerated class/program during the 2017-18 school year. Records will include all of these students from Fall 2017 through Spring 2018. The District will assess and document whether any student was denied participation on account of disability or another basis and will describe in writing any concerns or issues identified and any additional steps needed to ensure that qualified students with disabilities are provided equal opportunities for participation in such programs.
Reporting Requirement:

B. By June 30, 2018, the District will provide OCR with the copies of the records described in section V.A.

VI. Overall Monitoring Provisions

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 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 regulations implementing Section 504 at 34 C.F.R. 104.4 and the regulations implementing Title II at 28 C.F.R. 35.130 and 35.160(a), which are at issue in this case. Upon completion of the obligations under the Agreement, OCR shall close and dismiss 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 and 100.10), or judicial proceedings to enforce this agreement, OCR shall give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

__________________________  11/09/2017_________________
/s/ District Superintendent or Designee    Date