

**Milpitas Unified School District
Resolution Agreement
OCR Case No. 09-16-1195**

To resolve the concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above referenced complaint filed under Title VI of the Civil Rights Act of 1964 (Title VI), the Milpitas Unified School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement (Agreement).

I. Special Education Services for Student

- A. By May 10, 2016, the District will provide the complainant with a plan for an expanded/extended psycho-educational evaluation in the areas of academic, social, and emotional functioning. The District will also identify a member of the District Department of Special Education who will serve as a contact person for the complainant concerning special education or related services for the Student.
- B. Within 50 days of receiving the Student's parents' signature on the assessment plan, the District will complete the evaluation in IA., and schedule an individualized education program (IEP) meeting for the Student.
- C. At the IEP meeting, the District will present the parents with the written results and specify any changes to programmatic services. Among other things, the IEP will describe any specific instructional strategies, services, modifications, and accommodations to be provided in the general education classroom to support the Student's identified needs.

Reporting to OCR

1. By May 15, 2016, the District will provide OCR with a copy of the evaluation plan sent to the Student's parents.
2. The District will provide OCR with a copy of the completed psycho-educational evaluation and the updated IEP, within 10 days after the IEP meeting. If the IEP is not finalized at this meeting, the District will inform OCR of the reasons, and of the date of any subsequent scheduled IEP meeting. The District will provide OCR with a copy of the finalized IEP within 10 days after its completion.

II. Alternative Dispute Resolution

Within 10 days of the execution of this Agreement, the District will provide the Student's parents with a written offer of an Alternative Dispute Resolution (ADR) process. The process will be facilitated by an employee of the Southeast

Consortium for Special Education Local Planning Area (the SELPA) who is not employed by the District, and who has training in alternative dispute resolution. The ADR process will address all aspects of communication among the District, school, teacher and the parents In order to facilitate a positive climate and communication. The facilitator will memorialize the agreements reached in a document signed by all parties.

Reporting to OCR

1. Within 10 days of the execution of this Agreement, the District will provide OCR with a copy of the District’s offer to the parents of ADR.
2. The District will provide OCR with a copy of the ADR agreement within 10 days after it is signed by the parties.

III. General 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 Section 504 and Title II and their implementing regulations, which 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 statutes and regulations that 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

_____04/27/2016_____

Date