

Capistrano Unified School District
Resolution Agreement
OCR No. 09-17-1016

To resolve the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), the Capistrano Unified School District (District) agrees, without admitting to any violation of law, to implement this Agreement to resolve the allegations in this matter under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

I. REVISION OF COMMUNICATIONS POLICY

- A. By April 28, 2017, initial communications to the parents of students in the Structured Teaching Educating Prepared Students (STEPS) classes will be sent home via a universal service that does not require an “opt in” to receive messages. The District will use a communications tool that automatically enrolls parents in a system, through current e-mail addresses, that allows them to receive announcements and emergency updates. This system is to be the primary method for sharing information electronically.

II. MAIN OFFICE PROCEDURES AND OFFICE STAFF

- A. By April 1, 2017, the Newhart Middle School (School) will draft a written policy for OCR review and approval that will provide parents of students in the STEPS classes with copies of important documents, such as permission slips and handouts to school and selected school-wide and class events at least a week before the events or such additional time as needed to arrange supplemental aids and services that will allow special needs student to participate in the events in accordance with 34 C.F.R. §104.37 and 28 C.F.R. §35.130. Office Staff (attendance clerks, office manager, secretaries) will be informed of notable school events and activities to the extent appropriate to answer questions from parents.
- B. Staff at the school, including STEPS teachers and aides, will be provided with a copy of the policy and receive training on the policy.

III. SCHOOL

- A. The School will offer STEPS students ages eleven to thirteen one additional opportunity for in-school or after-school social interaction through an event or activity with STEPS students and their general education peers by October 15, 2017.
- B. By June 15, 2017, the School will provide the opportunity for STEPS students, of the appropriate age, to enter the sixth grade end of year mixer thirty minutes prior to general education students. During this period, students in the STEPS

program will be provided with the aids and supports called for in their IEPs. At the conclusion of this period and at the beginning of the after-school event, the School will determine the appropriate level of medical and behavior aids and supports needed for the STEPS students who wish to remain to continue participating in the event. Parents of special needs students will also be allowed to attend the event upon advance notice of at least one day.

IV. REPORTING REQUIREMENTS

- A. Within fifteen (15) days of receiving OCR's approval of the policies specified in paragraphs I(A) and II(A) of this Agreement, the District will provide OCR with documentation of their adoption and implementation and the training provided to staff.
- B. Within fifteen (15) days of completing the provisions of paragraph (III) (A) and (B), the District will provide OCR with a written summary of each event or activity, including with respect to the involvement of STEPS students.

V. MONITORING

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, 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 such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II and their implementing regulations, which were at issue in this matter.

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.

By: _____/s/_____
Capistrano Unified School District

Date: 03/29/2017