

Resolution Agreement
PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT
OCR Case No. 09-17-1480

In order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Placentia-Yorba Linda Unified School District (District) pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, the District, without admitting to any violation of law, agrees to take the actions in this Resolution Agreement (Agreement).

I. Investigation & Response

Within sixty (60) days of execution of this Agreement the District will conduct and complete an investigation, pursuant to the District's Uniform Complaint Procedures (UCP) to determine whether the Students have been subjected to a hostile environment due to harassment by other students, particularly while on the playground, on the basis of disability, or due to any lack of adequate response to allegations of harassment by the District. The investigation will be conducted by an individual who has not previously been involved in, or witness to, any of the incidents alleged to have constituted disability-based harassment or any incidents that resulted in disciplinary consequences to the Students. If the investigation results in a finding that the Students were subjected to disability-based peer harassment, the District will determine what further actions, if any, are necessary to stop the harassment and prevent it from recurring, and to eliminate the hostile environment.

II. Individual Remedy

- A. Within fifteen (15) days of completion of the UCP investigation outlined in Section I, above, the District will schedule mutually agreeable dates and times for an IEP meeting for each Student to discuss each Student's progress and educational needs. The District shall invite the Parents and each Student to his IEP meeting, and shall seek Parents' input as to any other individuals that they would like to be invited. If the UCP investigation determines that either Student was subjected to disability-based peer harassment, the Student's IEP team(s) will determine whether either of the Students' ability to access a free appropriate public education (FAPE) was impacted by any identified harassment that was found to have occurred. The team shall consider all relevant data in making its determinations, including the Students' grade reports, progress reports, reports from teacher, any information provided by the Students or Complainants regarding changes in the Students' behavior, such as participation in school and extracurricular activities, and any

information provided by Parents from outside sources, including but not limited to private mental health providers.

Based on this information, the IEP teams will determine whether either of the Students needs compensatory and/or remedial services and/or adjustments to his IEP, and the IEP team shall document any changes in the IEP document. The District will provide Students' parents notice of the IDEA procedural safeguards, including the right to challenge the IEP team's determinations through an impartial due process hearing.

- B. By February 2, 2018, the District, based on input from the Students, will designate a staff person at the School to serve as a "safe person" for the Students to speak with regarding any ongoing concerns with perceived or actual peer or employee harassment. Within one week of the designation, the District will provide OCR with the name of this individual. As part of the IEP meetings described in Section II-A, the IEP teams will discuss the designation as well.

III. Training

- A. By February 16, 2018, the District will work with OCR to identify a date and time for a mandatory OCR provided training for all administrators and certificated staff at XXXXXXXXXX Elementary School. The OCR training shall provide legal guidance and strategies regarding complaints of discrimination, harassment, intimidation, or bullying on the basis of disability. Other District administrators shall be invited to attend this training, but their attendance will not be required.
- B. Within 60 days of completion of the training described in Section III-A, the District will provide age-appropriate training for students in grades 3-6 at XXXXXXXXXX Elementary School on discrimination, harassment, intimidation, and bullying on the basis of disability. At least thirty (30) days prior to the scheduled training, the District will submit a draft of the training materials, and title/name of the proposed trainers for OCR review and approval.

IV. Monitoring & Reporting Requirements

- A. No more than ten (10) days after completion of the UCP investigation described in Section I, the District will (1) provide for OCR a copy of the investigative file, including the findings of fact and conclusions; and (2) provide notice of the outcome of the investigation to the Students' parents.

- B. No more than fifteen (15) days after the training required in Section III-A is provided by OCR, the District will provide OCR with the following documentation: sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.
- C. No more than fifteen (15) days after completion of both of the IEP meetings noted in Section II A above, the District will submit the Students' IEP Addendums to OCR. 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 each Student. In the event OCR determines that the IEP team(s) did not meet the Section 504 procedural requirements found at 34 C.F.R. §§ 104.34, 104.35 and 104.36 with respect to the IEP Addendum for each Student, the District shall re-convene the IEP team(s) within 20 school days of notification from OCR, to remedy the identified procedural error.
- D. If the IEP team(s) determine(s) compensatory and/or remedial services should be provided, 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) by no later than June 14, 2018.
- E. By January 31, 2019, the District will provide OCR with a copy of all reports/complaints of unlawful discrimination, harassment, intimidation or bullying on the basis of disability that were received at XXXXXXXXXX Elementary School from December 1, 2017 to December 31, 2018, along with documentation of the School and/or District's response to the reports/complaints. If OCR identifies compliance concerns with respect to the report/complaint documentation described in this section, OCR will provide technical assistance and training to the District regarding those concerns.

The recipient understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the recipient understands that during the monitoring of this Agreement, OCR may visit the recipient, interview staff and students, and request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4 (a) and (b), which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the case.

The recipient 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 recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
For the Placentia-Yorba Linda Unified School District

01/26/2018
Date