

**Resolution Agreement**  
**Live Oak Elementary School District**  
**OCR Case Number 09-18-1178**

Live Oak Unified School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement (Agreement) to resolve the issues investigated by the Office for Civil Rights, U.S. Department of Education (OCR), under Title II of the Americans with Disabilities Act (Title II) and Section 504 of the Rehabilitation Act (Section 504), in the above-referenced complaint.

**I. Evaluation and Placement**

- A. The District will convene a Section 504 meeting at a mutually agreed-upon date between the School<sup>1</sup> and the Complainant. The meeting is to be held no later than June 8, 2018. The meeting is to be attended by a team of individuals knowledgeable about the Student, and about evaluation data concerning the Student at the school the Student currently attends (School). The purpose of the meeting, and subsequent meetings if necessary, is to ensure that the Student's disabilities are fully and correctly identified; to review the goals, accommodations, placement and services provided for in the Student's September XX, 2017 Section 504 plan; and to ensure that the Student's Section 504 plan provides a placement and services that are adequate to meet all of the Student's individual disability-related needs.
- B. The Complainant will be given reasonable notice of the date on which the team will meet and be given an opportunity to attend and to submit records or other information.
- C. The District will extend an invitation via e-mail to the Section 504 meeting to the Section 504 Coordinator of the District in which the Student will be enrolled in the 2018-2019 school year (District 2), and an individual from the school in which the Student will be enrolled in the 2018-2019 school year (School 2) who is knowledgeable about School 2's processes for implementing students' Section 504 plans and Individualized Education Programs (IEPs).
- D. At the meeting, the Section 504 team will:
  - a. Determine whether the services, accommodations and modifications currently in place for the Student are appropriate and sufficient to meet his individual needs, or whether additional or alternate services, accommodations or modifications are needed.
  - b. Determine whether additional evaluation of the Student is needed to fully and accurately identify the Student's disabilities. The team will review all existing

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<sup>1</sup> OCR previously notified the District of the School's name.

records pertinent to these determinations. If additional evaluation data are necessary to fully and accurately identify the Student's disabilities, the District will complete the necessary assessments within 60 days of the Complainant's consent to the assessment.

- c. Determine whether a Behavioral Intervention Plan (BIP) is needed for the Student and if so, develop the BIP and attach it to the Student's Section 504 plan.
  - d. Determine whether a Functional Behavior Analysis (FBA) is needed for the Student. If the Section 504 team determines that such assessment is needed, the Section 504 team will obtain consent from the Complainant and proceed with the assessment. The Section 504 team will reconvene once the assessment is conducted to review the results of the assessment.
  - e. All decisions concerning whether or not services, accommodations or modifications are needed, or whether or not additional assessment is needed, and the basis for the decisions, will be documented in the Student's Section 504 plan or an addendum.
- E. The Student's parent will be provided with written notice of procedural safeguards at the Section 504 meeting referenced in Section I.A.
- F. By May 23, 2018, the District will distribute the Student's current Section 504 plan (Plan) via e-mail to all staff responsible for implementing the Plan, highlight the Student's accommodations in the Plan and offer feedback to support staff's understanding of their responsibility to implement the Plan. The District will also include the contact information for the District's Section 504 Coordinator or another individual with relevant knowledge and experience should staff have any questions about the Student's accommodations or their responsibilities under Section 504.
- G. By August 15, 2018, the District will contact District 2's Section 504 coordinator and an individual knowledgeable about School 2's processes for implementing students' Section 504 plans and IEPs, e-mail a copy of the Student's current Section 504 plan, updated assessment data, as applicable, and a copy of the BIP, if developed, and request that it/they be distributed to all staff responsible for implementing the Plan at School 2.

### **Reporting Requirements**

- H. By June 18, 2018, the District will provide OCR a copy of the Section 504 plan developed pursuant to the meeting described in Section I.A., the Section 504 meeting notes, and any documentation reviewed at the meeting.

- I. By June 1, 2018, the District will provide OCR a copy of the e-mail to District 2 described in Section I.C.
- J. By June 1, 2018, the District will provide OCR a copy of the e-mail to staff described in Section I.F.
- K. By August 20, 2018, the District will provide OCR a copy of the e-mail to District 2 described in Section I.G.

## **II. Staff Training on Ability Awareness**

- A. By September 14, 2018, the District will arrange for training for all staff and site administrators at the School on ability awareness. The District will also extend an invitation to all staff in the District office to the training. This training will include, but is not limited to, the following:
  - a. A description of and reference to District policy prohibiting discrimination based on disability, including harassment;
  - b. The types of conduct that could constitute disability-based harassment, such as verbal acts and name-calling, and graphic and written statements about disability-related characteristics or about classroom accommodations;
  - c. Education about specific categories of disabilities, including autism, intellectual disabilities, physical disabilities, developmental disabilities and emotional disturbance;
  - d. Education about Attention Deficit Hyperactivity Disorder (ADHD), including
    - i. The three types of ADHD;
    - ii. The range of behaviors that students with ADHD may demonstrate, such as restlessness and inattention, impulsivity, difficulty organizing tasks and activities, and difficulty in communication and social skills;
    - iii. The types of behavioral and executive function supports available to students to improve focus and organizational skills;
  - e. A reference to the fact that grades alone are an insufficient basis upon which to determine whether a student has a disability and may not be the determinative factor in deciding whether a student with a disability needs special education or related aids and services. Grades are just one consideration and do not provide information on how much effort or how many outside resources are required for the student to achieve those grades.

### **Reporting Requirements**

- B. By July 9, 2018, the District will provide written descriptions of the training described in Section II.A. for OCR review and approval. The description is to include the names, titles and qualifications of the proposed trainer(s), copies of the proposed agenda, and a copy of the proposed materials to be used at the training.
- C. By September 21, 2018, the District will provide confirmation that the training described in Section II.A. has been completed. This documentation is to include the date(s) of the training, a copy of the final agenda, a copy of the materials used and/or given to participants and a list of staff participants.

### **III. Investigation of Internal Complaint**

- A. The District will complete its investigation of the complainant's internal complaint, dated April X, 2018, notify the complainant of its findings, and provide the complainant procedural safeguards.

### **Reporting Requirements**

- B. By July 9, 2018, the District will provide OCR a copy of the findings issued to the complainant.

### **IV. Revisions to District Forms**

#### **Reporting Requirements**

- A. By July 9, 2018, the District will provide a copy of the template used for Section 504 plans to OCR for review and approval.
- B. Within 45 days of receipt of OCR's final revisions, the District will publish and circulate its revised Section 504 plan and provide confirmation of such to OCR.

### **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 School 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. Upon completion of the obligations under this 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, 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/\_\_\_\_\_  
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Superintendent/Designee  
Live Oak School District

\_\_\_\_\_05/23/2018\_\_\_\_\_  
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Date