

Resolution Agreement
Brea-Olinda Unified School District
OCR Case No. 09-18-1183

The Brea-Olinda Unified School District (District) agrees to implement this Resolution Agreement (Agreement) in order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 *et seq.* (Section 504) and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.* (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Individual Remedy

- A. By May 1, 2020, the District will send a letter to the Complainant and the Student highlighting its commitment to ensuring it complies with Section 504 and Title II and following its policies and procedures regarding special education services. The letter will:
1. Acknowledge the challenges the Complainant and Student encountered during the 2017-2018 school year;
 2. State that the District is committed to ensuring that it complies with Section 504 and Title II and follows District policies and procedures in evaluating students who need or are believed to need special education or related services;
 3. Summarize the steps the District is taking, and will continue to take, to ensure that it evaluates students who may have or are believed to have a disability; and
 4. Include as an attachment a copy of the Guidance Memorandum referenced in Section II. below.
- B. By June 1, 2020, after providing proper written notice to the Complainant, a group of knowledgeable persons, including the parent/guardian, will convene an IEP meeting to determine whether the Student needs compensatory and/or remedial services as a result of any failure by the District to timely evaluate the Student during 2017-2018 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 the end of the 2019-2020 school year. The District will provide the Complainant notice of the procedural safeguards.

II. Guidance and Training

- A. The District agrees to provide training and issue written guidance to District administrators including the Director of Special Education, and School administrators and staff, including the Principal, Section 504 Coordinator, special education and general education teachers, school psychologist, who have responsibilities related to the District's responsibility to ensure the provision of a free appropriate public education (FAPE) to students with disabilities under Section 504. The training and written guidance will include the following:

- a. The District's Section 504 and Title II obligations to provide students with a FAPE; the identification process; evaluation and placement process; and procedural safeguards for parents, including:
 - i. The District's process for identifying and locating students who need or are believed to need special education or related services under Section 504 or Title II;
 - ii. The District's responsibility for conducting an evaluation of a student under Section 504 if it suspects or has reason to suspect that the student needs or may need special education or related services due to a disability;
 - iii. The academic and behavioral indicators for determining when such an evaluation is needed, although academic success should not be a determining factor;
 - iv. Examples of disabilities, including circumstances where evaluation may be needed; and
 - v. The role of the Section 504 coordinator.
 - b. The definition of an individual with a disability and the definition of substantial impairment and major life activities consistent with Section 504 and Title II.
 - c. The full range of services that can be provided under Section 504, including special education and related aids and services.
- B. Following OCR's review and approval of the District's guidance memorandum and training, the District will update, as appropriate, any student, parent, or staff handbook (including any Section 504 handbooks), and any forms consistent with the revisions made.

III. Reporting

- A. Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR for review and approval documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, 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 procedural 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.
- B. By December 1, 2020, if any compensatory/remedial services are offered, 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).
- C. Within 30 days of the date of execution of this Agreement, the District will provide OCR with a draft of the written guidance memorandum, a written description of the proposed training materials, and title/name of the proposed trainers described in Section II. above to OCR for OCR's review and approval.

- D. By October 1, 2020, the District will issue the written guidance memorandum to District administrators, and the Schools' administrators and staff.
- E. By October 1, 2020, the District will confirm to OCR that it provided the training, including a sign-up sheet or other evidence of attendance by name, a list of the required District and or School employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed, a copy of the materials distributed at the training, the name and title of the trainer(s), and the date of the training.

IV. Monitoring

- A. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close this case.
- B. The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent / Designee

_____/03/03/2020_____
Date