

**Resolution Agreement**  
Riverside Unified School District  
OCR Case No. 09-18-1616

Riverside Unified School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) 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 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), in the above-referenced OCR case number.

I. Trainings

A. The District will provide training to all certificated staff and Primetime program staff at XXXXXXXXXXXX Middle School. The training will include information about the barriers to learning experienced by deaf or hard of hearing (DHH) students, the different types of resources available to DHH students in the District, the prohibition on disability-based discrimination and harassment, how to recognize and respond to allegations and incidents of disability-based discrimination and harassment; the District's policies and procedures for responding to allegations and incidents of disability-based discrimination and harassment; and the identity of and contact information for all District staff and administrators with compliance duties related to Section 504 and Title II. The training may be conducted online, such as through a live or pre-recorded webinar, or via a videoconferencing platform. Following the training, the District will distribute a guidance memo containing a summary of the information discussed during the training, including information about the District's policies and procedures related to, and resources available for, DHH students in the District.

1. Reporting Requirement: By December 18, 2020, the District will provide OCR with the names and titles of the individuals conducting the training referenced in Section I.A of the Agreement, as well as with information about the training materials. Within 30 days of OCR's approval of the trainers and training materials, the District will conduct the training, and within 30 days of the completion of the training, the District will provide OCR with details about the training including when it was held; and confirmation that all relevant staff attended and if not, a plan for providing the training to staff who were required to but did not attend.
2. Reporting Requirement: By January 18, 2021, the District will provide OCR with a draft of the guidance memorandum described in Section I.A of this Agreement for review and approval. Within 30 days of OCR's review and approval, and subsequent to the training, the District will distribute the guidance memo and inform OCR that it has done so.

B. The District will provide training to all staff at XXXXXXXXXXXX High School and XXXXXXXXXXXX Middle School who are designated as being responsible for receiving and investigating complaints of disability-based harassment. The training will include information about the anti-discrimination provisions of Title II; as well as information about the District's policies and procedures for investigating complaints of disability-based harassment. The training may be conducted online, such as through a live or pre-recorded webinar, or via a videoconferencing platform.

1. Reporting Requirement: By December 18, 2020, the District will provide OCR with the names and titles of the individuals conducting the training referenced in Section I.B of this Agreement, as well as with information about the training materials. Within 30 days of OCR's approval of the trainers and training materials, the District will conduct the training, and within 30 days of the completion of the training, the District will provide OCR with details about the training including when it was held; and confirmation that all relevant staff attended, and if not, a plan for providing the training to any staff who were required to but did not attend.

C. The District will provide IEP implementation training to the following employees at XXXXXXXXXXXX High School and XXXXXXXXXXXX Middle School: employees with responsibility for implementing the Student's IEP, principals, assistant principals, and Primetime program managers. The training will include a review of the Title II regulations with respect to effective communication, and specify that schools must provide appropriate auxiliary aids and services for students with disabilities to have an equal opportunity to participate in all the programs and activities of the District, not just those that are academic-related. The training may be conducted online, such as through a live or pre-recorded webinar, or via a videoconferencing platform.

1. Reporting Requirement: By December 18, 2020, the District will provide OCR with the names and titles of the individuals conducting the training referenced in Section I.C of this Agreement, as well as with information about the training materials. Within 30 days of OCR's approval of the trainers and training materials, the District will conduct the training, and within 30 days of the completion of the training, the District will provide OCR with details about the training including when it was held; confirmation that all relevant staff attended and if not, a plan for providing the training to any staff who were required to but did not attend.

## II. Procedures for Absent or Late American Sign Language (ASL) Interpreters

- A. The District will create and implement a system to document the timely arrival of ASL interpreters at the beginning of each school day. If an ASL interpreter is not on campus ten minutes prior to the start of school, the District will contact the interpreter's providing agency and request a substitute; notify a student's parent or guardian; and check in with the student to whom the ASL interpreter is assigned to see if they need additional supports such as a remote interpreter service (i.e. TDD or video relay), and if so provide the additional support until the ASL interpreter or substitute interpreter arrives.
- B. Reporting Requirement: Within 60 days of the reopening of District schools, the District will provide OCR with information about the proposed procedure identified in Section III.A of this Agreement for review and approval. Within 30 days of OCR's review and approval, the District will implement the procedure and inform OCR that it has done so.

### III. Individual Remedies

- A. Within 30 school days of the date of the execution of this Agreement, the District will convene an IEP team meeting for the Student, which meeting may take place telephonically or via a videoconferencing platform.
- B. Prior to the IEP team meeting referenced in Section III.A of this Agreement, the District will provide the members of the Student's IEP team with copies of OCR's "Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools"<sup>1</sup> as well as with the relevant Title II regulations, via email, and will ensure that such information and the input of the Student and Complainant is considered during the meeting.
- C. During the IEP team meeting referenced in Section III.A of this Agreement, the IEP team will, at a minimum, review the Student's approved accommodations with respect to Title II's effective communication requirements, and consider the following:
  - 1. the nature, length, and complexity of the communication involved in the Student's courses;
  - 2. the context in which the communication is taking place;
  - 3. that in determining what types of auxiliary aids and services are necessary, primary consideration shall be given to the requests of individuals with disabilities regarding the type of auxiliary aids and services necessary; and

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<sup>1</sup> <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-faqs-effective-communication-201411.pdf>.

4. that in order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
- D. During the IEP team meeting referenced in Section III.A of this Agreement, the IEP team will also determine whether the Student needs compensatory and/or remedial services as a result of the District's alleged failure to provide appropriate regular and/or special education or related services during the 2017-2018 school year. If so, within one week of its determination, the team will develop a plan for providing timely compensatory and/or remedial services, to the greatest extent possible, in light of the closure of District schools, if applicable.
1. Reporting Requirement: Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the team's decision. 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 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 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.
  2. Reporting Requirement: By May 31, 2021, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services (if any) were provided, a description of what was provided, and the name(s) of the service provider(s).
- E. Based on the information outlined in Section III.B-D of this Agreement and the individualized needs of the Student, the IEP team will revise, if necessary, the Student's IEP. The District will provide the Complainant with notice of the procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.
- F. Prior to the reopening of District schools, the District will provide training to all the Student's ASL interpreters, teachers, and their support staff on how to use the Student's personal FM amplification device and any other amplification supports contained in his IEP. The training may be conducted online, such as through a live or pre-recorded webinar, or via a videoconferencing platform. The District will inform OCR that it has provided this training within 30 days of doing so.

- G. Within 30 school days of the execution of this Agreement, the District will review its DHH-related vendors to ensure that at least some of their products and services, including the products and services required by the Student, are compatible with the Student's Phonak hearing aids, and inform OCR that it has done so.
- H. Upon notice of any further allegations of disability-based harassment directed at the Student in the above referenced case during the 2019-2020 school year, the District will inform OCR of the alleged conduct within 30 days, and after the District completes its investigation, provide OCR with documentation of how the District received notice of the incident; and the District's response, including investigative steps, factual findings, conclusions as to whether harassment occurred, and steps taken to stop the harassment, prevent its recurrence, and address its impact.

#### IV. Monitoring

The District understands that by signing this Agreement, it agrees to provide data and other information to OCR in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, 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 the Agreement, OCR will close the case.

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 shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

FOR RIVERSIDE UNIFIED SCHOOL DISTRICT

By: \_\_\_\_\_/s/\_\_\_\_\_

Date 05/25/2020

David Hansen, Superintendent