

Resolution Agreement
Pasadena Unified School District
OCR Case No. 09-20-1016

The Pasadena Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the compliance violations 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), and their implementing regulations in the above-referenced OCR case number.

I. Internal IEPs Review (Previous School Year)

- a. For the 2020-2021 school year, after providing proper written notice to students' parents/guardians, a group of knowledgeable persons will determine whether students with IEPs need compensatory counseling services as a result of the District's failure to provide them during the 2020-2021 school year. If so, the group will develop a plan for providing timely compensatory counseling services with a completion date not to extend beyond June 2022. The District will provide the students' parents/guardians notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
- b. Reporting: On November 30, 2021, the District will provide OCR with documentation that the internal audit for the 2020-2021 school year was completed, including 1). the number of IEPs reviewed, and 2). the number of IEPs whose counseling provisions were not fully complied with. For each student whose IEP counseling services were not met, the District will provide OCR with: a). list of participants by title in the IEP meeting to determine compensatory education services, b). the plan for full implementation of counseling services, including dates and the provider of counseling services.
- c. Reporting: On June 30, 2022 the District will provide OCR with documentation that each IEP provision requiring counseling services was fully implemented.

II. Internal IEPs Review (Future School Years)

- a. The District will review the IEPs for the 2021-2022 and 2022-2023 school years to ensure that all counseling provisions are implemented. The District will correct any discrepancies by convening an IEP meeting to create a compensatory education plan (identifying a schedule and provider). The plan must be executed by the end of each respective school year.
- b. Reporting: On January 31, 2022 and January 31, 2023, the District will provide OCR with documentation that its internal audit for the 2021-2022 and 2022-2023 school years was completed, including 1). the number of IEPs reviewed, 2). the number of IEPs whose counseling provisions were fully implemented, and 3). the number of IEPs whose counseling provisions were not fully complied with. The IEPs with counseling services that were not implemented will include a plan

(schedule and provider) for full implementation of each of these IEPs.

- c. Reporting: On June 30, 2022 and June 30, 2023, the District will provide OCR with documentation that the respective plan was fully executed.

III. Internal Systems Audit and Plan

- a. The District will review its process for providing counseling services to special education students entitled to such services. The review will include, but not be limited to, consideration of:
 - i. How Departments within the District collaborate to ensure timely provision of counseling services for special education students.
 - ii. Staffing needs to ensure timely provision of counseling services for special education students.
 - iii. Data collection regarding the provision of counseling services for students with IEPs, including surveys of those providing counseling services.
 - iv. The Internal Systems Audit results will be reported to the Superintendent.
- b. Upon completion of the internal systems audit, the District will design and adopt a Plan to ensure the timely provision of counseling services to all students whose IEPs require such services. The Plan will include but not be limited to:
 - i. A process to review of IEPs.
 - ii. Collaboration within and between relevant District Departments.
 - iii. Staffing considerations.
 - iv. Data collection.
 - v. Annual reports to the Superintendent.
- c. Reporting: On January 31, 2022, the District will provide OCR with a summary of its internal review system audit.
- d. Reporting: On March 31, 2022, the District will provide OCR with the Plan developed to ensure full implementation of counseling services in students' IEPs.

IV. Training

- a. The District will ensure that all psychologists receive training on the system used to maintain data on its provision of counseling services.
- b. The District will ensure that it provides training to psychologists on its obligations under Section 504 and Title II to implement student's IEPs. This training will be repeated annually.
- c. Reporting: On June 30, 2022, the District will provide OCR with documentation that this provision was completed.

V. Guidance Memorandum

- a. The District will issue a guidance memorandum to all District employees responsible for securing counseling service to remind them of the District's obligations and procedures to provide these services in full.
- b. Reporting: On October 30, 2021, the District will provide OCR with documentation that this provision was completed.

VI. Monitoring and Reporting

The District understands that by signing the 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 the 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 and obligations of the Agreement. Upon the District 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 the Agreement and/or the applicable statute(s) and regulation(s). 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/_____
Dr. Brian McDonald, Superintendent
Pasadena Unified School District

11/01/2021
Date