

RESOLUTION AGREEMENT
Los Angeles Unified School District
OCR Case Number 09-20-1296

Los Angeles Unified School District (the 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 (Title II) and their implementing regulations in the above-referenced case number.

A. Compensatory and/or Remedial Services

By **October 30, 2020**, after providing proper written notice to the Student's parent, the District will convene an IEP team meeting, including the parent and the Student, to determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services during the 2019 – 2020 school year. In making its determination, the IEP team will consider the following:

- Missed instructional time, assignments, and tests/quizzes due to the Student's inability to access his second-floor classes during elevator outages;
- The delay in providing the Student with his assistive technology, per his Individualized Education Program (IEP);
- Inconsistent or imprecise implementation of the Student's classroom and homework modifications and adjustments and provision of daily agenda;
- Missed instructional time due to the bus delivering the Student to school late in the morning and picking the Student up early at the end of the day; and,
- Missed instructional time due to the Student's early dismissal from class, per his IEP.

The IEP team will also address the following:

- Review and discuss the Student's IEP provisions with individuals with responsibility for implementing the Student's IEP, including accommodations and modifications, expectations as to how they are to be implemented, the one-on-one aide's role in implementation, and expectations as to how accommodations and modifications are to be communicated to the Student and/or the parent.
- Develop a plan for the Student when he is unable to access second-floor classrooms during elevator outages, including: who will communicate to the Student, his one-on-one aide, and the Student's teachers with classrooms on the second floor that the elevator is inoperable; where the Student is to go, how he is to access the classroom lesson and instruction, and how he is to receive any materials and IEP accommodations; how the Student will turn in any homework or classwork to the teacher(s); notification to the parent on days when there is an elevator outage; and, who the plan is to be distributed to.
- Discuss how to reduce the amount of instructional time missed due to the bus delivering the Student to school late in the morning, picking the Student up early at the end of the day,

and due to the Student's early dismissal from class; how to compensate the Student for the instructional time missed; and, how to ensure that the Student receives information distributed in class during this time (e.g., announcements, assignments, etc.).

If the group determines that the Student needs compensatory and/or remedial services, within **seven (7) working days** 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 **March 15, 2021**. The District will provide the Student's parent notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- Within **fifteen (15) working days** of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student, and the elevator outage plan developed. 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.
- By **March 31, 2021**, 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).

B. Teacher and School Administration Meeting

Within **fifteen (15) working days** of the IEP meeting described in Provision A, the school administration will convene a meeting to include the Student's 2020-2021 school year teachers, one-on-one aide, and case manager to review and discuss the Student's IEP provisions with individuals with responsibility for implementing the Student's IEP, including accommodations and modifications, expectations as to how they are to be implemented, the one-on-one aide's role in implementation, and expectations as to how accommodations and modifications are to be communicated to the Student and/or the parent, and cover all Student-specific concerns.

Reporting Requirement:

- Within **fifteen (15) working days** of the meeting, the District will provide to OCR the documentation from the meeting, including detailed meeting notes and a list of the persons who participated in the meeting.

C. Assistive Technology

By **September 30, 2020**, the District's Assistive Technology Technician or designee will train the Student on how to use the assistive technology provided to the Student per his IEP.

Reporting Requirement:

- Within **seven (7) working days** of the completion of the training, the District will provide OCR documentation reflecting that the training occurred, including a brief description of the training.

D. Guidance Documents

The School will develop and implement two separate guidance documents to address the School's obligation to ensure the provision of a free, appropriate public education (FAPE) when elevator outages and bus scheduling result in a student missing significant minutes of appropriate regular and/or special education and related services.

- **Elevator Outages:** The guidance document will address the following: the identification of students in daily need of the elevator; the individual(s) responsible for notifying those students and their teachers, aides, and/or service providers, as appropriate (e.g., teachers whose classrooms are on the 2nd floor) of elevator outages; the School's obligation to ensure that the students are able to receive regular and/or special education and related services during elevator outages; teacher expectations during elevator outages; and, that the guidance document will be distributed to all special education and Section 504 case managers, teachers, service providers, aides, and office staff, in addition to the parents/guardians of students who rely on the elevator daily to attend class at the School, at the beginning of each school year.
- **Bus Scheduling and Delays:** The guidance document will address the following: the School's obligation to ensure that students with disabilities who repeatedly arrive to school late or leave school early due to District transportation delays and scheduling, and therefore miss appropriate regular and/or special education and related services, be provided FAPE; guidance for teachers and service providers whose students are impacted by transportation delays and departure times; the provision of compensatory and/or remedial services, when necessary, to ensure the provision of FAPE; and, that the guidance document will be distributed to all special education and Section 504 case managers, special education teachers, and service providers at the School.

Reporting Requirements:

- By **September 30, 2020**, the District will submit the guidance documents to OCR, for review and approval.

- Within **fifteen (15) working days** of receiving OCR's final approval, the School will implement and distribute the guidance to all relevant parties, as identified above. The District will provide OCR with verification it has done so concurrently.

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'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 the Agreement and/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 or designee
Los Angeles Unified School District

_____08/13/2020_____
Date