

Resolution Agreement
Arcadia Unified School District
OCR Case No. 09-20-1449

The Arcadia 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), and their implementing regulations in the above-referenced OCR case number.

I. Policies and Procedures

- a. By April 1, 2021, the District will add hyperlinks to District Board Policies and Administrative Regulations concerning interdistrict transfer permits (IDT Permits) to its public-facing website where IDT Permit information is maintained.
- b. By April 30, 2021, the District will post a notice on its public-facing web site concerning IDT Permits clarifying:
 - i. The District's policy with respect to considerations given to IDT Permit applicants whose parent(s) or guardian(s) work within the geographic boundaries of the District. This will include a statement clarifying whether or not the District gives preference to IDT Permit applicants whose parent / guardian physically works within the boundaries of the District for a minimum of 10 hours during the school week. If preference is given for such IDT applicants, the District will also include a statement explaining the District's definition of "physically works within the boundaries of the school district"; and
 - ii. The District's definition of satisfactory records in attendance used to assess whether IDT Permit applicants meet the District's criteria for which an IDT Permit may be granted, denied, or revoked.

II. Guidance Memorandum:

- a. By April 30, 2021, the District will issue a guidance memorandum to all District employees with a reminder concerning District procedures used to process reports or complaints of retaliation and discrimination on the basis of disability, to whom such reports or complaints should be forwarded for further action, and applicable Board Policies and Administrative Regulations concerning such reports or complaints.

III. Individual Student Remedies:

- a. By April 9, 2021, the District will amend the Student's 2019-2020 IDT permit reinstatement to strike the comments "2019-20 only must reapply 20/21 SY" from this approved IDT permit.

- b. By April 12, 2021, the District will provide the Complainant with written notice of the amended 2019-2020 IDT permit along with the following documents and information:
 - i. A copy of the original 2019-2020 IDT permit dated July XX, 2019;
 - ii. A copy of the amended 2019-2020 IDT permit described in Agreement Section III(a);
 - iii. A statement that, moving forward, the Student is eligible to attend a District school on a continuing IDT permit beginning with the 2021-2022 school year pursuant to the District's policies and procedures concerning continuing IDT permits and the terms of this Agreement;
 - iv. A statement that, to exercise this eligibility described in Agreement Section III(b)(iii), the Complainant must, on or before May 7, 2021:
 - 1. Notify the District in writing that he wishes for the Student to attend a District school for the 2021-2022 school year on a continuing IDT permit;
 - 2. Provide the District with a completed release from the Student's home district;
 - 3. Provide the District with documents that demonstrate satisfactory behavior / citizenship / work habits, and attendance required for all IDT permits, as described on the District's public-facing web site concerning IDT Permits.
 - v. A statement that, if the Complainant timely exercises this eligibility in compliance with Agreement section III(b)(iv), the Student will be enrolled at a District school site provided that there is space available in the XXX grade for the 2021-2022 school year; and
 - vi. A statement that, if the Student enrolls at a District school site for the 2021-2022 school year, the amended 2019-2020 IDT permit serves as a continuing permit for the purposes of future IDT permit applications, cannot be revoked or rescinded for reasons occurring prior to the execution of this Agreement, and, like all other students attending District schools on continuing IDT permits pursuant to the District's policies and procedures, the Complainant is not required to reapply for future IDT permits.
- c. If the Complainant timely notifies the District that he wishes the Student to attend a District school for the 2021-2022 school year on a continuing IDT permit in conformity with Agreement Section III(b)(iv), then the District will enroll the Student at a District school site pursuant to space availability in the XXX grade and provide the Complainant with notice confirming such.
- d. The District will contact the Complainant to notify him of his right to have his report or complaint of retaliation on the basis of disability identified in July 2020 processed as a Uniform Complaint Procedure (UCP) complaint or, in the alternative, to file a UCP complaint based on such.
 - i. If the Complainant declines to have the District process his report or complaint of retaliation as a UCP complaint or, in the alternative, declines to file a UCP complaint regarding such, then no further action is required by the District.
 - ii. If the Complainant agrees to have the District process his report or complaint of retaliation as a UCP complaint or, in the alternative, files a UCP complaint regarding such, then the District will initiate a UCP investigation. The District will conduct the UCP investigation in accordance with UCP procedures even though the

complaint occurred more than six months prior. Once the UCP investigation is completed, the District will provide the Complainant with a notice of investigative outcome that includes, but is not limited to, a description of the allegation investigated, the evidence and / or witness statements reviewed during the investigation, the District's findings of fact pursuant to applicable legal standards, and any remedies as applicable.

IV. Monitoring and Reporting

Policies and Procedures

- a. By April 30, 2021, the District will provide OCR with confirmation that hyperlinks to Board Policies and Administrative Regulations for the IDT permit process have been added to the District's public-facing website for IDT Permits described in Section I(a).
- b. By April 1, 2021, the District will provide OCR with the draft notice described in Section I(b) for review. Once reviewed and approved by OCR, the District will provide OCR with confirmation that this notice has been posted on its public-facing website where IDT Permit information is maintained on or before May 7, 2021.

Guidance Memorandum

- c. By April 1, 2021, the District will provide OCR with the draft guidance memorandum described in Section II(a) for review. Once reviewed and approved by OCR, the District will provide OCR with confirmation that this guidance memorandum has been provided to all District employees on or before May 7, 2021.

Individual Student Remedies

- d. By April 1, 2021, the District will provide OCR with a draft of the amended 2019-2020 IDT permit described in Agreement Section III(a) and the notices, documents, and information to be provided to the Complainant described in Agreement Section III(b).
- e. Following OCR's review and approval of the information and correspondence described in Agreement Section IV(d), the District will send this information and correspondence to the Complainant on or before April 12, 2021.
- f. Within 10 business days of receiving a response from the Complainant to the information and correspondence described in Agreement Section IV(d), the District will provide OCR with:
 - i. A copy of the Complainant's response, and any attachments thereto, including but not limited to documents that demonstrate the Student's satisfactory behavior / citizenship / work habits, and attendance;
 - ii. A list of District school sites with space availability in the XXX grade for the 2021-2022 school year as of the date of the Complainant's response; and
 - iii. A draft reply to the Complainant's response:

1. If the Complainant's response indicates that he wishes to exercise the eligibility for the Student to attend a District school site for the 2021-2022 school year described in Agreement Section III(b)(iii) and the Complainant timely provided all documentation described in Agreement Section III(b)(iv): the District will inform the Complainant of the school site to which the Student has been assigned for the 2021-2022 school year and state that the amended 2019-2020 IDT permit does not require annual renewal pursuant to the District's policies and procedures concerning the IDT permit process, pursuant to Agreement Sections III(b)(v) and III(b)(vi) respectively.
 2. If the Complainant does not respond in conformity with Agreement Section III(b)(iv), or the Complainant's response indicates that he does not wish the Student to attend a District school site for the 2021-2022 school year: the District will inform the Complainant that the Student will not be assigned to a school site for the 2021-2022 school year and explain the reason(s) why. The District will further state that the Complainant must submit a new IDT permit if he wishes the Student to attend a District school in the future pursuant to the District's policies and procedures concerning the IDT permit process.
- g. Following OCR's review and approval of the information and correspondence described in Agreement Section IV(f), the District will send the correspondence described in Agreement Section IV(f)(iii) to the Complainant and provide OCR with confirmation of such within 10 business days.
- h. Provided that the Complainant submits a request for the District to conduct a UCP investigation as described in Agreement Section III(d), the District will provide Complainant with a copy of the written decision within 60 calendar days after the receipt of the UCP investigation request, unless Complainant agrees to an extension of the timeline in writing in accordance with the District's Administrative Regulation 1312.3. The District will provide OCR with a copy of this written decision and confirmation that this written decision was provided to Complainant within 5 business days of sending the decision to Complainant.

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/_____
David Vannasdall, Ed.D.
Superintendent, Arcadia Unified School District

3/14/2021
Date