

Conejo Valley Unified School District
Resolution Agreement
OCR No. 09-21-1077

The Conejo Valley Unified School District (District), without admitting to any violation of the law, agrees to implement this Resolution Agreement (Agreement) to resolve the finding of non-compliance and compliance concern identified by the U.S. Department of Education (Department), 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 by the Americans with Disabilities Act Amendments Act of 2008 (Title II or ADA), and their implementing regulations in the above-referenced OCR case number.

I. Revision of Interdistrict Transfer Policy and Information

A. By December 31, 2023, the District will submit to OCR for review and approval, copies or links to the following documents revised in accordance with this Agreement:

- Board Policy (BP) 5117;
 - Administrative Regulation (AR) 5117;
 - Its interdistrict transfer agreement; and,
 - Its webpage related to the interdistrict transfer agreement and applications.
- (i) BP 5117, AR 5117, the interdistrict transfer agreement and related webpage will be revised so that each includes a statement of nondiscrimination that advises readers that the District will not unlawfully discriminate against students with disabilities in the administration, processing, and determination of an interdistrict transfer request.
- (ii) The District will revise AR 5117, the interdistrict transfer agreement, and each related webpage so that they clarify that:
- (a) the District may deny an interdistrict transfer request because the District does not operate the program required by the student, and/or based upon lack of space in a school, grade level, classroom, or program; and,
 - (b) the District will apply space-related criteria in uniform and nondiscriminatory ways;
 - (c) the District may deny an interdistrict transfer application for reasons related to an aid or service required by a student's current Student Study/Success Team (SST) documentation, Individualized Education Program (IEP), and/or Section 504 Plan, if the District determines that admitting the student would require a modification to the District's aid or service that would cause a fundamental alteration to the District's provision of such aid or service; and

(d) the District is inquiring about a student's general and special education interventions and requesting a copy of a student's SST, Section 504 Plan and/or IEP in order to determine whether the District operates and/or has space in the school, grade level, program, classroom and/or special education program and/or related service(s) that the student requires; and/or whether admitting the student would require a modification to a District aid or service that would fundamentally alter the District's provision of the aid or service; and, that any documentation provided shall be used solely for that purpose.

Reporting Requirements

- B. Within 60 days of OCR's approval of the revisions required by Section (I)(A) above, the District will adopt and implement the revised BP 5117 and AR 5117, and publish the revised versions of the interdistrict transfer agreement and related webpage(s). Within 30 days of their adoption and implementation, the District will provide OCR with documentation of their adoption and implementation, including the uniform record locator (URL) for the revised BP and AR.
- C. Within 60 days of OCR's approval of the revisions required by Section (I)(A), the District will replace all printed versions of the former interdistrict transfer agreement with the revised agreement and provide written confirmation of this step to OCR.
- D. For the 2023-24 and 2024-25 school years, before denying any interdistrict transfer on the basis that admitting the student with their current SST, Section 504 Plan and/or IEP would cause a fundamental alteration of the District's provision of the aid or service required by the student's SST, Section 504 Plan, and/or IEP, the District will provide to OCR for review and approval: a copy of the student's interdistrict transfer application; the student's current SST, Section 504 Plan, and/or IEP; the District's rationale for denying the transfer; and all supporting documentation of the asserted fundamental alteration. Upon receipt of all of the foregoing information from the District, OCR will have 10 business days to raise any questions about and/or to request more information about the proposed denial from the District. The District will promptly respond within 7 business days to any questions and requests for information (RFI) from OCR about the District's proposed denial of the student's IDT application. After receiving complete and accurate information from the District in response to OCR's questions and/or RFI, OCR will have 10 calendar days to raise any objections to the proposed denial. If OCR objects to the District's proposed denial of the transfer, the District will not deny the transfer.
- E. For all other District denials and approvals of interdistrict transfer applications for the 2023-24 and 2024-25 school years, the District will report the following

information to OCR within 30 days of the close of each semester in an electronic sortable file with separate fields for: (1) the student's name; (2) the student's grade; (3) the date of the interdistrict transfer application; (4) whether the student has an IEP/504 Plan or not (Y/N); (5) the requested school in the District; (6) the sending school district; (7) the date the transfer was granted; (8) the date the transfer was denied; (9) if the District denied the interdistrict transfer, the basis for the denial; and (10) if the basis for the denial is a lack of space in the grade level, school, classroom, or program, the capacity limitation for the grade, school, classroom, or program. Upon request from OCR, the District will provide to OCR within 15 days a copy of all requested documents relating to any District denials and/or approvals of interdistrict transfer requests.

II. Guidance Memorandum

- A. By April 1, 2024, or within sixty (60) days of OCR's approval of the revisions required by section (I)(A), whichever is later, the District will submit to OCR for review and approval, a memorandum that provides guidance and information about the interdistrict transfer process to its administrators and staff who: communicate with parents, District employees, and others (e.g., employees of the student applicant's home school) about the interdistrict transfer process; review, provide input about, and/or decide any interdistrict transfer requests; and implement the interdistrict transfer agreement and related policies, documents, and information (e.g., on the website). The memorandum will explain: (1) the revisions stated in section (I)(A); and (2) that Section 504 and Title II prohibit the District from discriminating against students with disabilities in the interdistrict transfer process.
- B. Within fifteen (15) days of OCR's approval of the guidance memorandum, the District will disseminate it to the administrators and staff identified in Section (II)(A) above via email and via placement in staff internal mailboxes.

Reporting Requirement

- C. Within ten (10) days of disseminating the memorandum as required by Section (II)(B), the District will provide verification to OCR that it completed the requirements by producing the email it sent to administrators and staff and by informing OCR of any other distribution methods used.

III. Training

- A. By the last day of the 2023-2024 regular school year, the District will provide training on the content of the guidance memorandum to the individuals listed in section (II)(A). The training will be provided by a qualified individual who has sufficient knowledge of, experience with, or education about not discriminating on the basis of disability when evaluating interdistrict transfer requests and the

District's process for determining whether the District operates and/or has space in the school, grade level, program, classroom and/or special education program and related service(s) that the student requires, and, if applicable, whether admitting the student to an impacted service would cause a fundamental alteration to the service. The training will include time for questions and answers. In the event that any individuals required to attend this training are unable to attend, the District will provide a make-up training session within 60 days.

- B. At least 30 days before the training occurs, the District will provide to OCR for approval, information about the education and experience of the individual(s) selected to give the training and a copy of the additional proposed training materials, if any, which will be consistent with the memorandum described in Section (II)(A) at least 30 days before the proposed training. Alternatively, by May 1, 2024, the District may request that OCR provide the training.

Reporting Requirement

- C. Within sixty (60) days of completing the training required by section (III)(A), the District will provide to OCR written verification that the training has taken place. The verification will state the date(s) on which the training occurred, the number of attendees for the date(s), a copy of the sign-in sheets for the training, and a copy of all documents provided to the attendees.

IV. Compensatory Education

- A. By June 30, 2023, the District will submit to OCR a list of students (with the number of minutes missed for each student in 2020-2021) who did not receive some or all of the speech/language services stated in their IEP or Section 504 plan during the 2020-21 school year because of a shortage of speech/language pathologists. The list will indicate any students who have left the District, any students whose parent/guardian declined compensatory services, any students whose parents requested reimbursement for compensatory services, and the amount of any compensatory speech and language service minutes provided to individual students, if available, to date. OCR acknowledges initial receipt of this list from the District, on or about June 23, 2023.
- B. By December 31, 2023, the District will provide written notice to the parent/guardian(s) of each student identified on the list submitted to OCR in section (IV)(A), whom the District cannot verify either received or declined compensatory services for speech and language services missed during the 2020-2021 school year, and the notice will state that their child may be entitled to compensatory services for sessions missed. The written notice will notify the parent/guardian of their ability to request that the District convene a meeting of a group of knowledgeable persons, including the parent/guardian, to determine what compensatory and/or remedial services are needed as a result of the District's

failure to provide speech/language services. The letter will inform parent/guardian that they must request the meeting by the end of the 2023-2024 school year, and the District will convene the requested meeting prior to the end of the 2023-2024 extended school year, if possible, and in any event no later than within the first 60 days of the 2024-2025 regular school year. The District will ensure this notice is accessible to parents with limited English proficiency and individuals with disabilities.

- C. Prior to the end of the 2023-2024 extended school year, if possible, and in any event no later than within the first 60 days of the 2024-2025 regular school year, for all parents/guardians who request a meeting pursuant to section (IV)(B), the District will convene a group of knowledgeable persons, including the parent/guardian, to determine what compensatory and/or remedial services are needed as a result of the District's failure to provide speech/language services during the 2020-21 school year. If the group determines that compensatory services are needed for that student, 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 last day of the 2024-2025 extended school year. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements

- D. By December 31, 2024, for each student on the list submitted to OCR in section (IV)(A) who requests a meeting, the District will submit to OCR documents supporting the group's decision as required in Section (IV)(B). The documentation submitted will 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 to each student. Prior to approving the District's decision and plan for providing the proposed services, OCR will 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.
- E. By September 30, 2025, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided (or offered to be provided) pursuant to section (IV)(B), a description of what was provided (or offered to be provided), and the name(s) of the service provider(s).

V. Monitoring

By signing the resolution agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 the Agreement.

The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

The District understands and acknowledges that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) to enforce the specific terms of the resolution agreement and 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.

By: _____/s/_____ Date: 10/23/2023
Kenny Loo
Assistant Superintendent, Instructional Services
Conejo Valley Unified School District

By: _____/s/_____ Date: 10/23/2023
Dr. Shanna Egans
Assistant Superintendent, Student Services
Conejo Valley Unified School District