

Alhambra Unified School District
Resolution Agreement
OCR No. 09-23-1208

The Alhambra Unified School District (District), without admitting to any violation of the law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns 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. GUIDANCE MEMORANDUM

- A. By September 30, 2023, the District will create for OCR review and approval a memorandum for distribution to administrators and staff (classified and non-classified) that provides guidance and information about the requirement imposed on the District by both Section 504 and Title II to administer all of its services, programs, and activities for its students with disabilities in the most integrated setting appropriate to their needs and of their (administrators and staff) obligation to comply with this mandate. The memo will also explain that the most integrated setting is one that enables students with disabilities to interact with students without disabilities to the fullest extent possible and that the District is required to modify its policies, practices, and procedures to avoid discriminating on the basis of disability, unless such modifications would fundamentally alter the nature of a service, program, or activity.

The memorandum will provide information on how to properly ensure that students with disabilities are being fully integrated into the District's services, programs, and activities, including information about the individualized nature of the integration process and that integration determinations can only be made by individuals with sufficient knowledge of the student, the student's disability, and the manifestations of the disability and that, at times, the determination may need to be made by the student's Section 504 team or individualized education program (IEP) team. Likewise, the memorandum will also discuss the prohibition on basing an integration process and determination on stereotypes, assumptions, and speculation associated with students who have disabilities.

The memorandum will also emphasize that failing to fully integrate a student with a disability with his or her peers who do not have disabilities results in the impermissible segregation of the student and is disability discrimination. Additionally, the memorandum will give examples of school situations in which the integration obligation applies and the steps that need to be taken to ensure that it has been followed, including the presentation by the Student's grade that was the subject of this complaint (the memo may use fictitious references/names so as not to single out the specific event at the Student's school or the Student's school itself).

The memorandum will also designate an individual within the District (and his or her contact information) who has sufficient education, knowledge, and/or experience about the integration mandate for administrators and staff to contact if they have any questions or need any further information about the integration mandate and the importance of following it.

- B. Within fifteen (15) days of OCR's approval of the memorandum required by section I(A) of this Agreement¹, the District will disseminate the memorandum in accordance with the requirements of the section. Dissemination may be done through electronic means (e-mail), placement in internal mailboxes/in boxes, mailing through the U.S. Postal Service, or any combination of these methods that is designed to reach the maximum number of recipients possible.

Reporting Requirement

- C. Within ten (10) days of disseminating the memorandum as required by section I(B), the District will provide verification to OCR that it completed the requirements by informing OCR of the total number of copies distributed, the date(s) of distribution, the method(s) of distribution, and a list of those to whom it sent the memorandum. The District will also provide to OCR a copy of the email or mailing that was sent to those to whom the distribution was made.

II. TRAINING

- A. By December 31, 2023, the District will provide training on the subject matter and content of the memorandum required by section I(A) to the administrators and staff at the Student's school and to the Director of Special Education. The training will be provided by a qualified individual who has sufficient knowledge of, experience with, or education about the subject matter. The training will also include a period that allows for questions and answers. In the event that any individuals required to attend the training are unable to attend, the District may consult with OCR about alternative methods of providing make-up training to those who did not attend the training on the dates it was given.
- B. By December 15, 2023, the District will provide to OCR for its review and approval the specific education, knowledge, and experience of the individual selected to give the training and a copy of the proposed training materials. Alternatively, the District may request that OCR provide the training.

¹ Unless otherwise stated, all further references to "section" or "paragraph" will be to the sections and paragraphs of this Agreement.

Reporting Requirement

- C. Within thirty (30) days of completing the training required by section II(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.

III. NOTICE TO PARENTS AND PARENTAL FEEDBACK

- A. By January 30, 2024, the District will create for OCR review and approval a memorandum/informational sheet (“Document”) for parents of students with disabilities who are enrolled in the District. The Document will explain the District’s obligation to comply with the integration mandate imposed by Section 504 and Title II and will contain much of the same information that is in the memorandum required by section I.

The Document will also include provisions that seek information from the parents about their experiences with the integration of their children in the District’s programs, events, activities, and services by inviting them to send any complaints or comments about their experiences or their recommendations or suggestions on ways that they believe the District’s efforts at full integration could be improved. The Document will advise the parents that an individual has been specially designated to coordinate the District’s integration efforts and the name and business contact information of the individual. It will further advise the parents that any information that they would like to send to the designated individual may be done by phone, fax, email,² or U.S. mail and will give the numbers and addresses corresponding to each of these methods of sending information.

The Document will advise parents that they may submit any complaints, comments, suggestions, or recommendations anonymously unless they desire a response to their submission in which case they must provide their name and contact information. It will further advise them that anything they submit will not become a part of their child’s records (unless expressly requested by the parent), that no adverse action against them or their child will result from sending any information to the District, and that no retaliation, of any kind, will occur because they sent any information to the District. The Document will advise parents that retaliation is prohibited by state and federal law as well as the District’s policies along with a statement assuring the parents that retaliation will be properly addressed and remedied.

² To prevent email messages from being overlooked, erroneously flagged as spam, or over burdening an individual’s email inbox, the District may, but is not required to, create a separate email address that is solely dedicated to receiving any information from the parents.

The Document will also advise parents of their ability to file an internal complaint of discrimination or retaliation if they believe their child has been subject to discrimination because of a District failure to fully or effectively integrate the child in the District's programs, activities, events, or services or because any action has been taken against them or their child in response to any information they have given to the District or any advocacy they have done on behalf of their children. The advisement will include a citation and link to the District's Uniform Complaint Procedures. The Document will also notify the parents of their ability to additionally file a complaint of discrimination or retaliation with the California Department of Education (CDE) and the Office for Civil Rights of the U.S. Department of Education, along with a link to the complaint information webpages for each entity.

The District will ensure that the Document is prepared and sent in a manner that ensures effective communication for Limited English Proficient (LEP) parents and parents with disabilities affecting their communication abilities so that they have the same meaningful communication as non-LEP parents and parents who do not have disabilities affecting their communication abilities.

- B. Within fifteen (15) days of OCR's approval of the Document, the District will send it to the parents of students with disabilities who are enrolled in the District through electronic means (e-mail), mailing through the U.S. Postal Service, inclusion with important documents sent home with the parent's child that is more than likely to be received by the parent, or any combination of these methods that is designed to reach the maximum number of parents possible.
- C. By the same date required for section III(A), the District will submit for OCR review and approval, the name, business contact information, and qualifications of the individual it will designate in the Document to be sent to the parents.
- D. The individual designated in the Document will be responsible for sending the Document and receiving, collecting, recording, and saving any responses or other information received from parents related to the Document. If any parent uses the telephone as the means of communicating with the District about the Document, the individual will promptly create a summary record of his or her conversation with the parent.

The individual will also be responsible for reviewing, analyzing, and summarizing all information received from parents who responded to the Document. In so doing, thirty (30) days after the Document was sent, the individual will prepare a written report ("Report") that summarizes the information received from the parents, notes any and all issues of integration or inclusion identified by parents, and summarizes any and all suggestions, recommendations, or comments regarding integration and inclusion made by the parents. The Report will also include details of any planned action by the District that is designed to address or remedy any substantive issues or concerns stated by the parents (particularly those that may potentially impact a student's ability

to receive a free appropriate public education (FAPE)) or any helpful suggestions or recommendations made by them.

- E. Any planned action stated in the Report will be completed in a timely manner and, when involving potential issues of FAPE, will follow and comply with the provisions of Section 504's procedural requirements. Each action will be adequately documented to permit a review of it to determine whether it was proper and fully completed.
- F. Within thirty (30) days of the completion of the Report, the District will prepare a written comprehensive summary of the Report that provides a complete description of the actions taken by the District without the inclusion of any private, confidential, or protected personal information of students and parents. The summary will be considered a public record and the District will post it on its website in a conspicuous manner so that it is easily found by visitors. The summary will remain posted on the District's website until the monitoring of this Agreement has concluded.

The District will retain all documentation of any information given to it by parents related to the Document for a period of two years.

Reporting Requirements

- G. Within ten (10) days of sending the Document as required by section III(B), the District will provide verification to OCR that it completed the requirements by informing OCR of the total number of copies sent, the date(s) of sending, the method(s) of sending, and a list of those to whom it sent the Document. The District will also provide to OCR a copy of a representative sample of the mailing or email that was sent to the parents.
- H. Within ten (10) days of the completion of the Report required by section III(D), the District will send to OCR a copy of the Report and a copy of all the information that was received from parents related to the Document.
- I. Within sixty (60) days of completing the Report required by section III(D), the District will send to OCR verification of its completion of each action stated in the Report, if any, or, in the event an action has not yet been completed, an update on the status of the action and an estimate of when the action is expected to be completed. This requirement will continue every sixty (60) days until all actions stated in the Report have been completed.
- J. Within ten (10) days of posting the summary as required by section III(F), the District will provide to OCR verification that the summary has been posted and a uniform record locator (URL) at which the summary may be found.

IV. Monitoring

The District understands that by signing this 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 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/
Dr. Denise Jaramillo, Superintendent
Alhambra Unified School District

Date: 08/14/2023