

Resolution Agreement
OCR Case Number 09-13-1007

The Los Angeles Unified School District (District) agrees to implement this Resolution Agreement (Agreement), in order to resolve the issues under investigation by the U.S. Department of Education, Office for Civil Rights (OCR) in the above referenced case. Pursuant to CPM Section 303, OCR made findings regarding the allegation in the complaint.

I. Guidance for School Sites

- A. By March 1, 2015, the District will review its policy with all elementary and secondary school principals that requires all substitute teachers who teach students with disabilities in a general or special education setting to be informed of and have access to the each student's individualized education program (IEP) or Section 504 plan prior to beginning their assignments. The administrators will be notified that prior to teaching the student, all substitute teachers who teach students with disabilities in either a regular or special education classroom are provided with information about the nature of the student's individual needs, special education and other services that are required as part of the student's individualized education program (IEP) or Section 504 plan, special education and other services that the substitute teacher is expected to provide and, where the student has a behavior intervention plan, the strategies and interventions the substitute teacher is expected to employ if behavior issues arise. (Acceptable evidence of attendance will include an agenda and sign-in for each of the District's educational service centers)

- B. By July 1, 2015, the District will issue guidance in the form of a reference guide or bulletin to all school site administrators concerning substitute teachers who are assigned to classes that include students with disabilities. The guidance will require that prior to teaching the student, all substitute teachers who teach students with disabilities in either a regular or special education classroom are provided with information about the nature of the student's individual needs, special education and other services that are required as part of the student's individualized education program (IEP) or Section 504 plan, special education and other services that the substitute teacher is expected to provide and, where the student has a behavior intervention plan, the strategies and interventions the substitute teacher is expected to employ if behavior issues arise. The guidance will describe a method to ensure that this information is provided to substitute teachers prior to beginning their class assignments. The guidance may also be incorporated into existing policy based on REF-2624.10 School Self Review

Checklist, Students with Disabilities: 2014-2015, BUL-4692.4, Section 504 of the Rehabilitation Act of 1973, November 2014

- C. By May 1, 2015, the District will provide OCR with a draft of the guidance and a description of how site administrators will be notified of the guidance after it is issued. Within 30 days of OCR receiving the draft from the District, OCR will review the draft and provide the District with comments, if any. The District and OCR will work together to resolve any areas of disagreement regarding the draft.
- D. Within 20 days after approval by OCR, the District will disseminate the guidance and provide OCR with evidence showing dissemination.

II. Individual Remedy

- A. By February 1, 2015, the District will send the complainant written notification that it will provide Student 600 minutes of compensatory intensive intervention program (IIP) services as a result of instructional time lost due to the District's failure to implement the Student's April 25, 2012 behavior support plan, and that the delivery of services will be completed by December 1, 2016.
- B. The compensatory education services will be provided by a qualified service provider at a mutually agreed upon location and according to a mutually agreed upon schedule. Any scheduled sessions missed due to the unavailability of the service provider will be rescheduled. Any scheduled sessions missed by Student will be forfeited, unless excused by a doctor's note, evidence of attendance at a legal proceeding or family emergency. The service provider will use existing goals and objectives in Student's current active IEP as of the date of this Agreement.
- C. By March 1, 2015, the District will provide OCR with documentation describing how and where the compensatory services will be provided and a schedule for completion.

III. OCR Monitoring

- A. The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.
- B. 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 this agreement. Further, the District understands that during the monitoring of this 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 of this agreement and is in compliance with the regulation implementing Section 504 and Title II.

- C. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Julie Hall-Panameño
Director, Educational Equity Compliance
Los Angeles Unified School District

12/16/2014
Date