

Resolution Agreement
Los Angeles Unified School District
OCR Case No. 09-14-1401

In order to resolve the issues raised in the above-referenced complaint filed with 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), the Los Angeles Unified School District (District), without admitting any violation of federal law, and without a compliance determination by OCR, agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Action Steps:

- A. The District will modify Policy Bulletin 4692.3 (Policy), “Section 504 of the Rehabilitation Act of 1973” to provide guidance on how a student’s Section 504, IEP or other multidisciplinary team should evaluate requests for participation in an extracurricular activity as a part of a student’s free, appropriate public education (FAPE). The District will disseminate the modified Policy to relevant administrators and staff in the Division of Special Education, and school site administrators, special education staff, school psychologists, school counselors, coaches, teachers and other staff.
- B. The District will treat the Student in accordance with the modified Policy with respect to any request the Student or Complainant makes regarding extracurricular activities.
- C. If the District receives notice from the Student or Complainant that the Student intends to participate in baseball try-outs during the 2014-2015 school year, the District will designate an individual with appropriate expertise and authority to oversee the try-out, such as a District-level administrator or other third party, to observe the Student’s try-out and contribute feedback regarding the Student’s performance. The District will also permit the Student or Complainant to submit any application or other documentation required for baseball try-outs to the designated individual.
- D. Within 30 days of this Agreement, the District will provide the Student and Complainant with written notice that they should contact Mr. Henry Lazo at least two weeks prior to baseball try-outs if the Student intends to tryout. The notice will also provide an explanation of the designated individual and process for submitted any application or other documentation in accordance with Item I.C above.

II. Reporting Requirements:

- A. By October 30, 2014, the District will provide OCR with a draft of the modified Policy for approval. OCR will review the draft Policy and provide feedback and/or approval within 30 days. The District will provide verification to OCR that the modified Policy has been disseminated in accordance with item I.A above within 30 days of OCR approval.

- B. By December 19, 2014, the District will provide OCR with a copy of the letter sent to the Complainant and Student pursuant to Item I.C above.

III. Monitoring:

- A. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35, which were at issue in this case.
- B. The District further 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 regulations implementing Section 504, at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35 which were at issue in this case. By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement.
- 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) days to cure the alleged breach.

_____/s/_____
Julie Hall-Panameno, Director
Education Equity Compliance Office

Date 09/19/2014