

**Resolution Agreement**  
Los Banos Unified School District  
OCR Case Number 09-15-1362

To resolve the issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above referenced complaint filed by the complainant on behalf of her child (Student) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act (Title II), and Title VI of the Civil Rights Act of 1964, the Los Banos Unified School District (District), without admitting to any violation of law, agrees to take the actions outlined in this Resolution Agreement (Agreement).

**I. Placement and Services Team Meeting.** In the event that the Student returns to the District, within 30 days of his re-enrollment, after providing proper written notice to the Student's parent/guardian and completing appropriate evaluations, the District will convene an Individualized Education Program (IEP) team meeting, as appropriate, which is to be attended by a group of individuals knowledgeable about the Student, and about evaluation data concerning the Student. The purpose of the meeting, and subsequent meetings if necessary, is to ensure that the Student's IEP provides a placement and services that are adequate to meet all of the Student's individual disability-related needs and to ensure that appropriate accommodations are made for the Student to attend field trips and other extracurricular activities. The IEP team will develop an action plan for transitioning the student to new environments and develop an action plan for ensuring that the Student's guardians are made aware of issues inside the classroom before any actions are taken that would constitute a change in the Student's placement or would deny the Student access to a fieldtrip or extracurricular activity.

**II. Written Guidance and Training.** Within 90 calendar days of the date this agreement is signed, the District will issue written guidance and facilitate training for school site staff on their obligation to ensure nondiscrimination and to implement modifications and accommodations for students with disabilities on field trips and in other non-classroom settings. The training will specifically address ways to introduce students with disabilities who struggle with new environments to events like field trips, and how to de-escalate outbursts or situations involving students exhibiting avoidance behaviors that are due to their disability.

**III. Reporting Requirements.**

- (a) Within two weeks of the IEP meeting, the District will submit to OCR a copy of the IEP and any documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered and an explanation for the decisions made. OCR will, prior to approving the decisions, 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.

- (b) Within 30 calendar days of the date this agreement is signed, the District will provide a draft of the guidance documents and proposed training materials described in Section II to OCR for review and approval. The District will issue the guidance and provide the training within 30 calendar days of OCR's approval. Within 30 calendar days of issuing the guidance documents and conducting the training, the District will provide documentation, (e.g. a sign-in sheet or other evidence), showing training attendance by name and title of attendees, along with a copy of the materials distributed at the training and the name and title of the trainer(s).

**IV. Monitoring**

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 with respect to the issues in this case.

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 Section 504 and Title II, which were at issue in this case.

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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

03/29/2016  
Date

/s/  
Authorized Official  
Los Banos Unified School District