

Resolution Agreement Reached During an Investigation
Ventura Unified School District
OCR Case No. 09-15-1534

The Ventura Unified School District (District), without admitting to any violation of law, agrees to implement this Agreement Reached During an Investigation (Agreement) to resolve the concerns identified by 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 as amended (Title II) in the above-referenced OCR case.

I. Effective Communication and Compensatory Education

- A. Within 30 days of the date of the execution of this Agreement, the District will convene a Section 504 team or Individual Education Plan (IEP) team meeting for the Student.
- B. During the Section 504 or IEP team meeting referenced in Section I.A of this Agreement, the team will review whether the District's current method of providing Communication Accessible Realtime Translation (CART) services for the Student through an off-site service provider meets Title II's effective communication requirements. At a minimum, the District will ensure the team considers:
 - 1.the nature, length, and complexity of the communication involved in the Student's courses;
 - 2.the context in which the communication is taking place;
 - 3.that in determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities regarding the type auxiliary aids and services necessary; and
 - 4. that in order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
- C. The District will provide the Section 504 or IEP team with copies of the transcripts that are available to the District generated by the Student's current off-site CART service provider, and OCR's "Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools"¹ and the relevant Title II regulations and ensure such information, and the input of the Student and Complainant regarding the current CART services, is considered during the Section 504 or IEP team meeting.
- D. During the Section 504 or IEP team meeting referenced in Section I.A, the team will also determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide CART services from September 10, 2016 to October 1, 2016 and for any period thereafter wherein the services provided did not

¹ <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-faqs-effective-communication-201411.pdf>.

meet the requirements of Section 504 and Title II and their implementing regulations. If so, 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 December 31, 2016.

- E. Based on the consideration of the information outlined in Section I.B-D of this Agreement and the individualized needs of the Student, the District will revise, of necessary, the Section 504 Plan or IEP. 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.

II. Guidance

- A. Within 30 days of the date of this Agreement, the District will develop written guidance regarding the provision of auxiliary aids and services in elective courses at El Camino High School and submit it to OCR for review and approval with regard to the minimum requirements listed in Section II.B below.
- B. At a minimum, the written guidance will include an explanation of the elective enrollment process, the District's obligation to ensure Section 504 Plans and IEPs are implemented as required in elective courses, and the process for communicating questions or concerns regarding implementation to the appropriate site and/or District administrators. The District will distribute the written guidance to relevant staff at El Camino High School and incorporate the same information into an appropriate student and parent/legal guardian communication, such as the school newsletter or website.

III. Reporting Requirements

- A. Within 60 days of the date of this Agreement, the District will provide documentation to OCR that the Section 504 or IEP meeting was held in accordance with Section I, including a copy of the Student's Section 504 Plan or IEP. The documentation submitted shall 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 (if any) to the Student. OCR will, prior to approving any District decision and plan for providing the proposed compensatory and/or remedial services, 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 15 days of OCR's approval of the guidance required by Section II, the District will provide OCR with documentation showing that the District has taken the steps required by Section II.B of this Agreement, including providing OCR with a copy of the written guidance issued.
- C. If applicable, on or before December 31, 2016, the District will provide documentation to OCR showing the dates, times and locations that compensatory

and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

IV. Monitoring

- A. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this 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 this Agreement and is in compliance with Section 504 and Title II and their respective implementing regulations, at 34 C.F.R. §104.33 and 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), which were at issue in this case.
- B. The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the Section 504 and Title II and their respective implementing regulations, at 34 C.F.R. §104.33 and 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), which were at issue in this case.
- 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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____

Michael A. Babb, Ed.D.
Superintendent

_____04/18/2016_____

Date