

Resolution Agreement

Livermore Valley Joint Unified School District

OCR Reference No. 09-20-1341

The Livermore Valley Joint Unified School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance 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), Title II of the Americans with Disabilities Act of 1990 (Title II), Title VI of the Civil Rights Act of 1964 (Title VI), and their implementing regulations in the above-referenced OCR case number.

I. Individual Remedies

- A. By December 18, 2020, after providing proper written notice to the Complainant (the Student's parent/guardian), a group of knowledgeable persons, including the Complainant, will determine whether the Student needs compensatory and/or remedial services as a result of any failure to provide appropriate regular and/or special education or related services during the 2019-2020 school year. 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 six months of adoption of the plan. The District will provide the Complainant notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing. The District will make a good faith effort to convene this meeting. OCR will not deem any delay in meeting due to Complainant's unavailability or cancellation of a scheduled meeting to be a violation of this provision by the District.

Reporting Requirements:

1. Within ten (10) school days of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. School days are days the District is open for instruction (whether distance learning or in-person instruction). 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 the District's decision and plan for providing the proposed 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.
2. If the group determines that compensatory and/or remedial services are needed, within ten (10) school days of the District's complete execution of its plan to provide the Student compensatory and/or remedial services, the District will

provide documentation to OCR of 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).

II. District Employee Training

- A. The District will facilitate training at XXXXXXXXX Middle School (School) on its obligations under Section 504, including to provide a FAPE to students with disabilities through the implementation of student IEP and Section 504 plans. The training will be for the School's administrators and special education staff who have responsibility for ensuring that student IEPs are implemented (including the Principal, Vice Principal, Special Day Class and Adapted Physical Education Teachers, Aides/Paraeducators, Speech-Language Pathologist, School Psychologist, Behavior Specialist(s), and Program Specialist for the School), as well as the District's Director of Special Education.

Reporting Requirement

1. By January 15, 2021, the District will submit training materials and the title/name of the proposed trainers as described in Section II(A) of the Agreement, above, for OCR review and approval.
2. The District will provide the training required in Section II(A) of the Agreement, above, within 60 days of the District's receipt OCR's written approval. Within 15 days of providing the training required in Section II(A) of the Agreement, above, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

III. Written Guidance on Requesting an Interpreter or Translated Documents

- A. The District will issue written guidance for limited English proficient parents/guardians on how to request oral interpretation services or written translation of important documents, including but not limited to in the IEP or Section 504 processes.

Reporting Requirements

1. By January 8, 2021, the District will submit a draft of the guidance memorandum for OCR review and approval.
2. The District will finalize and issue the guidance memorandum within 30 days of OCR's approval.

IV. Spanish-Language Communication Protocol

- A. The District will develop and implement a protocol for providing written and verbal communication to the Complainant regarding special education matters and other important matters as related to the Student and his educational program (such as behavior incidents, progress reports, attendance issues, and student health and well-being) in the Complainant's primary language, Spanish.
- B. The District will provide the Complainant a written summary of the Spanish-language communications protocol referenced in Section IV(A.), above, in Spanish.

Reporting Requirement

- 3. By January 8, 2021, the District will submit a draft of the Spanish-language communications protocol referenced in Section IV(A.), above, to OCR for review and approval. Within 30 days of receiving OCR's written approval, the District will finalize and provide the Complainant a written summary of the protocol in Spanish. Within two weeks of finalizing and providing Complainant a written summary of the protocol in Spanish, the District will provide OCR with documentation of its provision of the Spanish language communications protocol to the Complainant.

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 resolution agreement. Upon the District's satisfaction of the commitments made under the resolution 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 resolution 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 60 calendar days to cure the alleged breach.

_____/s/_____
For the District

11/18/2020
Date