

San Bernardino County Superintendent of Schools
Resolution Agreement
Compliance Review No. 09-14-5002

The San Bernardino County Superintendent of Schools (County) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the above-referenced compliance review and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (Title II).

I. AGREEMENT OBJECTIVES

1. The County will ensure that students with disabilities enrolled in its court schools¹ and community schools² (collectively, “alternative education programs”) are provided with a free appropriate public education based on individualized placement decisions consistent with Section 504, Title II and the Individuals with Disabilities Act (IDEA).

2. Identify and Evaluate Students With Suspected Disability
 - a. For all court schools, the County will ensure that students enrolled at each County court school who are suspected to have a disability under Section 504 (which may include eligibility under IDEA) are appropriately identified, referred, evaluated, placed, and served based on their individualized educational needs. To the extent that the County court school staff may not be able to complete this process for a student, due to the student’s limited enrollment time at the court school, the court school will document the steps it has taken and provide the necessary information to the student’s subsequent school of enrollment, if known.

 - b. For all community schools, the County will ensure that students enrolled at each County community school who are suspected to have a disability under Section 504 (which may include eligibility under IDEA) are appropriately identified,

¹ “Court schools” includes the County schools at Central Valley Juvenile Detention and Assessment Center, High Desert Juvenile Detention and Assessment Center, the Gateway Regional Youth Education Center, and any other court schools operated by the County while this Agreement is in effect.

² “Community schools” include Barbara Phelps Community School, Tri-City Community School, Vision Community School, the Youth Justice Center; Chaffey North Community School; Chaffey West Community School; Upland Community School; First Street Community School; Norma Covert Community School; Civic Center Community School; I Avenue Community School; Yucca Valley Community School; and any other community schools operated by the County while this Agreement is in effect.

referred, evaluated, placed, and served based on their individualized educational needs.

- c. The County will ensure that students who enroll at a County court or community school, and who are identified as students with disabilities under Section 504 or IDEA, are appropriately evaluated (as necessary), placed, and served based on their individualized educational needs.
3. The County will ensure that the alternative education program provides a continuum of special education and related services in the least restrictive environment, supplementary aids and services, and program modification or supports appropriate for students with disabilities in its alternative education programs, including, but not limited to: (a) self-contained special education classrooms that provide services to students with intensive needs that cannot be met by the general education program and for which the student is enrolled more than 50% of the student's day; (b) general education classes with specialized academic instruction (SAI); (c) language and speech services; (d) mental health counseling; (e) occupational therapy; (f) physical therapy; (g) behavior services; (h) low incidence services; and (i) assistive technology. The County will ensure that an individualized determination is made about the number of minutes of SAI needed to meet the needs of each student with a disability in the court and community schools, and that more minutes of SAI will be provided as determined by the unique needs of the student.
4. The configuration of special education classes and services at each court school site and in each community school geographic area, and the staffing necessary to provide these classes and services, will be based on individual student needs as demonstrated by accurate, current and reliable student data.
5. The County will ensure that when a student with a disability enrolls with either a Section 504 or Individualized Education Program plan (IEP) (hereinafter "placement and services plan"), there will be no significant change in the instructional setting or duration and frequency of services unless: 1) there has been an evaluation, 2) a meeting of the IEP or 504 Team ("Placement Team"), and 3) documentation by the Placement Team of the individualized educational justification for such a change consistent with the requirements of Section 504.
6. The County will ensure that special education and related services, supplementary aids and services, and program modification or supports are staffed by (and, as appropriate, recommended by) appropriately credentialed service providers and credentialed special education instructors.
7. The County will ensure that each placement and services decision regarding a student with a disability will be based upon the individual needs of the student.

8. The number of students enrolled in each separate classroom with SAI for almost all or most of the day will be based on the individual needs of the disabled student in each instance.
9. Each placement and services plan will at minimum:
 - a. Identify the specific special education and related services, supplementary aids and services, and program modifications or supports required to meet the individual needs of the student;
 - b. describe the instructional setting and method of service delivery;
 - c. identify by title the personnel responsible for providing instruction and/or services; and,
 - d. specify the frequency and duration of the services to be provided.
10. The County will ensure that students with disabilities enrolled in alternative education programs receive special education and related services that are: (a) delivered by instructors and service providers who have the necessary credentials or certifications for providing the instruction or service; (b) provided in the instructional setting and through the method of service delivery required by an appropriate placement and services plan; and (c) provided in the duration and frequency required by an appropriate placement and services plan.
11. Nothing in this agreement relieves the County of any different or additional responsibilities and obligations it has pursuant to IDEA or California special education law.

II. STUDENT RECORDS

1. At the end of the Action Plan process described below in Section III, the County will ensure that:
 - a. A student file for each individual student with a disability enrolled in an alternative education program is maintained and updated each time the student is enrolled at any County court school or community school and contains a running record of entry and exit dates for each period that the student is enrolled in a County court school or community school;
 - b. each special education instructor and service provider documents the following information in individual student files as services are provided: the date, duration, and method of service delivery for each special education and related service actually provided to the student, as compared to what is specifically

required by the student's placement and services plan; and the name and title of the instructor or service provider who actually provided the service;

- c. when a service is not provided to a student, the student will receive make-up services within ten (10) school days (during the same school month) from the service not being provided if the student is still enrolled in a County court school or community school. The make-up services will be recorded in the student's file;
- d. a standardized process is implemented across its alternative education program sites for consistently obtaining and documenting the following information in individual student files: 1) the date, if any and if known, that the student was identified as a student with a disability by a prior educational entity/name of that entity; 2) the date the student is identified as a student with a disability by the court or community school; 3) the date that the student's educational records are requested and received from the sending District or the student's most recent school of attendance; 4) the student's incoming placement (including instructional setting and related services); 5) full copy of entering placement documents and County placement documents with the date of receipt; 6) the date of any County placement, participants in the placement decision, and description of the placement and services at the court or community school; 7) the date that special education and related services at the court or community school started and ended, if applicable; 8) the date of referral or request for any initial County evaluation, or for re-evaluation by the County; 9) the date the evaluation or re-evaluation is completed;
- e. when identifying and obtaining records for students with disabilities transferring from a County court school or community school to another County court school or community school (intra-County transfer): 1) the receiving site is notified that the student has a disability within one working day of the student's enrollment at the new County school site; 2) electronic copies of the student's educational records (including any IEPs, Section 504 Plans, assessments) are provided to the receiving site within three school days after the student's enrollment in school at the new County site. The student's full educational record will be provided to the receiving site within five working days; and 3) the special education staff assigned to the receiving site are notified of the transfer within three work days after the student's enrollment in school at the new County site;
- f. within three work days of each student with a disability's exit from any alternative education program, the student's updated educational file will be returned to the local administrator's office for the region, which will maintain the student file, unless the same student re-enters a County court school or community school at a later date. If this occurs, the local administrator's office for the region will then forward the student's educational file to the new County

school site within three work days of the student’s re-enrollment in the County alternative education program; and,

- g. equipment and necessary training is provided to ensure that designated personnel at each court school and community school have appropriate access to the student data system to access, input, and maintain student information and understand their responsibilities to input and maintain such data.
2. In developing the standardized records process across its alternative education program sites detailed in this section, the County will request input from office specialists and other appropriate County court and community school site staff to identify concerns with the current processes and to obtain recommendations on how to ensure an effective standardized process for requesting and receiving educational records. The County will continue to solicit input from County-level and court and community school site staff regarding the implementation of the process for at least one year after implementation has begun. The County’s request for input from other school site staff may be coordinated through the Special Education Monitoring Group discussed in Section III.2 below.

Reporting Requirements, Section II

- A. By December 1, 2016, the County will submit to OCR for its review and approval a description of the standardized process and file maintenance system procedures to meet the requirements in Section II.1.a-g and any screen shots or other evidence of the development of such systems.
- B. By February 1, 2017, the County will submit to OCR for its review and approval any changes proposed to the standardized process and file maintenance system procedures based on the input obtained as described in Section II.2.
- C. By December 1, 2016, the County will submit to OCR the training materials developed to comply with Section II.1.g and proof of attendance at such trainings by designated personnel.

III. DEVELOPMENT OF ACTION PLAN

- 1. Project Manager: The County will create a Project Manager position to be assigned fulltime to the development and implementation of the Action Plan. The Project Manager will have expertise in: the requirements of Section 504, Title II, and IDEA; the collection of student educational data and student demographic data; and using such data to assess staffing and other resource needs. The Project Manager will be the lead individual who will work with the relevant County-level administrators and the Special Education Monitoring Group (see below) in the development and implementation of the Action Plan.

2. Special Education Monitoring Group: The County will convene a Special Education Monitoring Group (the Monitoring Group) knowledgeable in: The requirements of Section 504, Title II, and IDEA; the collection of student educational data and student demographic data; and using such data to assess staffing and other resource needs. The Monitoring Group members will include individuals knowledgeable about the County's alternative education program and special education, such as County court and community school administrators, teachers, and office support staff. The Monitoring Group will be led by the Project Manager. The Monitoring Group will serve as a resource in the development of the Action Plan, including the drafting, revising, implementation and training of any new policies, procedures and practices related to the provision of services to students in the alternative education program.

Reporting Requirements, Section III.1-2

- A. By August 8, 2016, the County will submit to OCR for its review a position description for the Project Manager. The County will begin its search for candidates to fill the position promptly after receiving OCR's written acknowledgement of the position description.
 - B. By August 22, 2016, following the completion of its own interview process, the County will submit to OCR the name, contact information, and resume of its preferred candidate for OCR's review. When OCR provides written acknowledgement of the County's choice, the County will promptly execute a contract with the Candidate.
3. Needs Assessment Plan: By December 1, 2016, the Project Manager will develop a written needs assessment plan (Assessment Plan) describing: what information about the population of students with disabilities enrolled in the alternative education programs will be collected; the methods for collecting the information which shall include, among other methods, the timelines for collecting the information; and the timeline for analyzing the information. The information collected using the Assessment Plan will be used to develop the Action Plan described below. At minimum, the Assessment Plan will include:
 - a. Information covering the 2015-2016 school year;
 - b. the following data: the home district of students; the last district of enrollment of students; the number of students from each district entering with IEPs; the number of students from each district entering with 504 Plans; the length of time students with disabilities are enrolled in the alternative education program; the types of special education and related services, supplementary aids and services, and program modification or supports for students with disabilities, the

numbers of students with such services prescribed, and the minutes of such services prescribed in the placement plan upon enrollment in the alternative education program; the minutes of services actually provided to such students as documented; changes in the placement plans of students with disabilities following enrollment in the alternative education program, including through removal and suspension; the number of evaluations by the County of students suspected of having disabilities following enrollment in the alternative education program, including related to significant changes in placement, and the number of such students who qualified for an IEP or a 504 Plan based on the County's evaluation; the number of County staff providing each type of service, including but not limited to evaluations, speech, occupational therapy, assistive technology, counseling, mental health services, and physical therapy; the timeliness of evaluations and reevaluations; and the qualifications of County staff providing each type of service, including the aforementioned and assessments of students for IEP or 504 Plan eligibility;

- c. development of a service provision and delivery assessment survey to be completed and disseminated prior to development of the Action Plan and, thereafter, on a semester basis to students currently enrolled in the alternative education programs and such students' parents and/or guardians. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law. The survey will be administered at a time and in a place and manner to ensure the maximum response from participants.

Reporting Requirements, Section III.3

- A. By December 1, 2016, the Project Manager will provide the draft written Assessment Plan, including the service provision and delivery assessment survey, for OCR's review and approval. The County will promptly begin collecting information in accordance with the written assessment plan upon OCR's written review and approval.
 - B. Within 90 days of completing the information collection, the Project Manager will provide OCR with a written analysis of the data and trends shown. The County will provide the underlying raw data within 10 days of any request by OCR.
4. Action Plan Development & Implementation: By January 31, 2017, the Project Manager will develop a written plan ("Action Plan") describing the actions the County will take to fully align its alternative education programs with the Agreement Objectives in Section I by no later than the beginning of the 2017-2018 school year; implementation of the Action Plan will begin in earnest as soon as it is reviewed and approved by OCR as discussed in Section III.4.A. below. The Action Plan will address,

at minimum, the following aspects: assignment of personnel, including whether additional personnel are needed and timeframes for attaining such personnel; the geographic distribution of services and specialized settings (such as classrooms for students receiving SAI for almost all or most of the school day and delivery of related services); whether transportation is needed to ensure access to special education and related services; the process it will use to ensure services are provided as required by placement and service plans; modifications to existing procedures and practices; the process it will use to develop the standardized record system across alternative education program sites, including to track records received and services provided as detailed in Section II above; the development of modified or new procedures and practices, including to ensure referral, evaluation, and provision of services and placement as required by Section 504; the development of a system(s) to ensure that students with disabilities are not being referred for discipline, removed, suspended or expelled on the basis of disability or more frequently or receiving harsher punishments than students without disabilities and that they are receiving positive behavior intervention and other restorative alternatives to maximize their time in class; and professional development and training.

Reporting Requirements, Section III.4

- A. OCR will be provided a copy of the Action Plan no later than February 15, 2017 for review and approval. The County will begin implementation of the Action Plan upon OCR's approval. If the Action Plan is revised or amended in response to the written semester reports described in Section III.4.B. below, the Action Plan will be submitted to OCR for review and approval.

- B. On March 1, 2017, the County will provide OCR a written progress report of the steps taken towards full implementation of the objectives described in Section I and the Action Plan. Starting with the second semester of the 2016-17 school year, and within 30 days of the end of each semester thereafter for the 2017-2018 and 2018-2019 school years, the County will provide OCR written semester reports (Reports) documenting its progress toward full implementation of the objectives described in Section I and the Action Plan. To the extent OCR finds that the County is not making sufficient progress toward full implementation or has not provided all the information about the special education and related aids and services needed and available at each court and community school described below, OCR will work with the County to ensure full compliance. The Reports shall include:
 - i. A description of the special education program needs of students at the site, and the specific student data used by the County to determine program needs;

- ii. a listing of all students with disabilities enrolled at the site during the reporting period, noting each student’s incoming placement/services and County placement/services;
- iii. a listing of all special education instructional staff and service providers, along with their credentials, start date, and hours per week assigned to the site;
- iv. the number, locations, and types of separate classrooms with SAI for almost all or most of the day and the number of students enrolled in each class;
- v. the methods of service delivery for SAI to students in general education classes and for related services;
- vi. the number of students removed from class or referred for discipline for any reason, the length of time for removal (number of hours/days), whether and on what date students were provided with an evaluation and placement team meeting, and where students were placed during removal and whether they received any instruction, services, supports, or intervention during removal; and,
- vii. the caseloads and/or class size for each special education instructor or service provider.

IV. REMEDIAL PROVISIONS

1. For each student with a disability entering the alternative education program with a placement and services plan, whose enrollment in the alternative education program occurred prior to this Agreement and who continues to be enrolled at the time the Agreement is signed, the County will review the student’s entering 504 Plan or IEP. No later than 30 calendar days after the date this Agreement is signed (and sooner if practicable), the County will provide proper written notice to the Student’s parent/guardian and promptly convene a Placement Team meeting with a group of knowledgeable persons, including the parent/guardian, to review and, if appropriate, modify the student’s placement in the alternative education program to ensure that it is appropriate to the student’s individual needs and is consistent with Section 504, Title II of the ADA, the IDEA and their implementing regulations and the requirements of this Agreement.
2. To the extent it is determined that the placement and/or services in a Section 504 Plan or IEP were changed without following proper procedures and/or without making an individualized determination about student needs, the Placement Team will also determine whether the Student needs compensatory and/or remedial services as a result of the County’s failure to provide appropriate regular and/or

special education or related services during the relevant time period. If so, within one week of its determination, the Placement Team will develop a plan for providing timely compensatory and/or remedial services with a date by which the Student will be able to utilize the services offered that is at least two years after the services are made available to the Student. The County will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the Placement Team's determination through an impartial due process hearing.

Reporting Requirements, Section IV

- A. Within 60 calendar days after this Agreement is signed, the County will provide to OCR a list of all students whose Section 504 Plan or IEP has been reviewed consistent with Section IV, the site of enrollment, and a copy of the Section 504 Plan or IEP with any explanation regarding changes to services, placement, or settings and documents supporting the group's decision with respect to compensatory or remedial services. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, 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 County's decision and plan for providing the proposed services, review the documentation to ensure that the County 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. On December 1, 2016, on July 15, 2017, on July 15, 2018, and, to the extent necessary, on July 15, 2019, the County will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided to students on the list, along with a description of what was provided, and the name(s) of the service provider(s).

V. PROGRAM MONITORING

- 1. The Project Manager will develop a monitoring system for ongoing assessment of the County's progress in meeting the Agreement objectives in Section I. The Project Manager will work in partnership with school site administrators and County-level administrators to analyze student data in the County's student data system and individual student files on an ongoing basis.

- 2. The County will use this information to monitor individual students, as well as to inform its overall program and staffing decisions, such as type and size of programs necessary to meet student needs at particular schools.

3. In partnership with the County office and its alternative school sites, the Project Manager will develop a report for each school site that will assess whether the County is in compliance with the Action Plan and Title II, Section 504, IDEA and their implementing regulations and describe at least the following:
 - a. The site-specific process for identifying and placing students with disabilities, including the names and titles of employees responsible for each step in the process and how the processes are documented in student files;
 - b. if a special education instructor or service provider assigned to the site is absent more than two weeks, the name and credential(s) of any substitutes assigned;
 - c. whether students with disabilities are being accurately identified and educational records are being requested and received in a timely manner;
 - d. whether students are evaluated by qualified personnel in a timely manner when referred for evaluation and prior to any significant change in placement, a list of students for whom a significant change in placement has occurred due to school removals, the number of such removals for students with disabilities, and whether the required Placement Team meeting and/or any evaluations were completed;
 - e. whether students with disabilities are receiving timely and appropriate placements based on their individual needs and based on consideration of the full range of placement options;
 - f. whether special education and related services are delivered by a sufficient number of appropriately credentialed staff, contractors, and substitutes;
 - g. whether timely special education and related services are provided in the duration, frequency, instructional setting, and method of service delivery required by students' placement plans;
 - i. a list of each student who did not receive services for the duration and/or frequency of service required by his/her IEP or 504 Plan, the service(s) not received, the reasons therefore, and the County's plan for providing make-up services;
 - ii. for students who received make-up services, what services were provided and when such services were provided;
 - h. whether necessary materials, equipment and supplies are in place to support the provision of special education and related services, including a description of the materials, equipment, and support services necessary to meet special education needs of students at the site, and the data used to reach these determinations

along with a description of the actual special education materials, equipment, and support services in place at the site;

- i. whether procedural safeguards are consistently implemented;
 - j. whether student records are updated and maintained in an accurate and timely manner, and whether student information is promptly communicated to and from the County office;
 - k. whether Section 504 Procedures are consistently implemented; and,
 - l. whether Section 504 Plans are properly implemented by County school site staff.
4. Commencing January 1, 2017, and throughout the time that this Agreement is in effect, the Project Manager in partnership with the County-level administrators and each school site principal will issue written reports within 30 day of the end of each semester (end of semester report) to the County and OCR for each court and community school that includes, at minimum, the assessment criteria and information described in Section V.3.a-l above. Within 10 days of any request, OCR will be provided with any of the raw data used to develop such reports.
 5. The County will modify its program and procedures, as necessary, to address general problems identified through the monitoring system. The County will also take action necessary to address problems identified with respect to individual students, such as documenting and providing make-up services, when services have not been properly implemented.
 6. The Project Manager will work with the County to train staff on how to monitor the performance of the alternative education program sites on an ongoing basis and make appropriate modifications and take appropriate actions to address issues identified in the end of semester reports or otherwise.
 7. Any modifications and actions taken by the County subsequent to the issuance of any report described in Section V.3 to address any concerns or problem identified shall be described in the subsequent end of semester report.

Reporting Requirements, Section V

- A. The County will provide for OCR review and approval any proposed modifications to the programs and procedures as described in Section V.5 and any modifications or actions taken subsequent to the issuance of any end of semester report as described in Sections V.3, V.4, and V.7.

- B. On December 1, 2016, on July 15, 2017, on July 15, 2018, and on July 15, 2019, the County will provide OCR with a list of each disabled student enrolled in the alternative education program (in one or more court or community school sites) for more than 60 days during the previous five months, along with the following information, and for each site that enrolled the student: enrollment date; date identified as disabled; disability; date educational records were requested and received; incoming placement; county placement; date referred for evaluation (if applicable) and date evaluation completed; date services began and ended; number of school removals, if applicable; and exit date.

VI. NOTICE AND DISSEMINATION OF PROCEDURES

1. The County will provide a copy of this Agreement to all alternative education program administrators, court and community school special education administrators, principals, and site administrators.
2. The County will provide an informational summary of the procedural and program changes that will result from implementation of this Agreement to all alternative education program administrators, court and community school special education administrators, principals, site administrators, site intake staff (office specialists), teachers, SAI teachers, SAI paraeducators, and general education paraeducators and to the Superintendent, Director of Special Education, and Section 504 Coordinator of each school district in San Bernardino County or which regularly feeds students to the County community or court schools.
3. The County will disseminate the procedures developed and modified as a means of implementing this Agreement to all County and site-level staff with responsibilities relating to the identification, referral, evaluation, placement, recordkeeping, and provision of special education and related aids and services to students with disabilities enrolled in the County court and community schools, and will train staff regarding their job responsibilities under these procedures.

Reporting Requirements, Section VI

- A. By September 15, 2016, the County will provide OCR with documentation to demonstrate that a copy of this Agreement has been disseminated in accordance with Section VI.1.
- B. By October 15, 2016, the County will provide OCR with documentation to demonstrate that the informational summary has been disseminated in accordance with Section VI.2 and, within 30 days of any modification or change to such informational summary, will provide the same documentation of dissemination to OCR.

- C. By March 1, 2017, the County will provide OCR documentation to demonstrate that the procedures have been disseminated in accordance with Section VI.3 and, within 30 days of any modification or change to procedures, will provide the same documentation of dissemination to OCR.

VII. TRAINING

1. The County will provide at least two opportunities every academic year for all County alternative education program administrators, teachers, SAI teachers, and SAI paraeducators and County special education program administrators and staff to review and discuss the special education services being provided at the alternative education program sites, including any policies, procedures and program changes that have been or will be implemented related to this Agreement. The discussion will also include any trainings and workshops for staff that will be provided to ensure appropriate coordination and joint planning and the provision of FAPE and special education services to students in the County's alternative education program.
2. The County will develop and provide semi-annual paraeducator training curriculum targeted toward all special education paraeducators and general education paraeducators. The curriculum will address their responsibilities for implementing IEPs and 504 Plans under the guidance of appropriately qualified and credentialed instructors and service providers.
3. Within three months of OCR's review and approval of the training curriculum in Section VII.2. above, the County will begin training SAI paraeducators and general education paraeducators. The paraeducators will be excused from their usual duties, if needed, for the time spent attending the training. While this Agreement remains in effect, the County will ensure that all incoming special education paraeducators and general education paraeducators complete the semi-annual paraeducator training in accordance with this Agreement.

Reporting Requirements, Section VII

- A. Commencing with November 1, 2016, and two times per year for each year thereafter for the duration of this Agreement, the County will provide OCR with a written report documenting the joint discussions described in Section VII.1. The County will also provide agendas, training topics, and other written materials proposed to be provided at the joint discussion for OCR review and approval. Once a year, the County will provide OCR with documentation of any trainings conducted between the County alternative education staff and County special education program staff and communications between the two programs with regard to the provision of special education services to the students in the alternative education program.

- B. By October 1, 2016, the County will provide a draft of the training curriculum discussed in Section VII.2. to OCR for review and approval. The County will provide to OCR on a semi-annual basis for the duration of this Agreement a report listing the dates and sign-in sheets from the paraeducator trainings. Each report will identify paraeducators who have not yet completed the training, and will state the County’s schedule for training the remaining paraeducators.

VIII. GENERAL REQUIREMENTS

- 1. The County understands that OCR will monitor this case for a minimum of three years from the date of execution of this Agreement and will not close the monitoring of this agreement until OCR determines that the County has fulfilled the terms of this Agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this compliance review.
- 2. The County 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 County understands that during the monitoring of this Agreement, OCR may visit the County, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the County has fulfilled the terms of this Agreement and is in compliance with the statute(s) and regulations implementing Title II and Section 504, which were at issue in this compliance review.
- 3. The County 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 County written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/S/_____
Ted Alejandre, Superintendent
San Bernardino County Superintendent of Schools

August 3, 2016
Date