

Agreement to Resolve
San Ramon Valley Unified School District
OCR Case No. 09-13-1316

The San Ramon Valley Unified School District agrees, without admitting to any violation of law, to implement this Agreement to resolve the issues opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 in the above-referenced OCR complaint.

Field Trip Procedures

A. The District will revise the procedures entitled "Participation in Extracurricular and Non-Academic Activities" and "Special Education Students Participation in Co-Curricular and Extra-Curricular Field Trips" (Procedures) to consistently describe the process for ensuring that students with disabilities have an equal opportunity to participate in field trips. Specifically, the Procedures will provide:

- qualified students with disabilities are entitled to participate in field trips to the same extent as non-disabled students;
- when a student has a disability that may affect his or her ability to participate in school field trips, the Section 504, Individualized Education Program (IEP) or other multidisciplinary team, including parent/guardian, will determine and specify whether and how the student will participate;
- a school may deny an otherwise qualified student participation in a field trip because of disability-related characteristics or behavior only if the IEP, Section 504 or other multidisciplinary team has determined that the student cannot participate successfully with the provision of reasonable accommodations;
- accommodations for students with disabilities are required except where they would fundamentally alter the nature of the activity or constitute an undue burden on the District. While cost may be considered, the fact that providing a service to a disabled student would result in additional cost does not of itself constitute an undue burden; and
- if support from an aide is needed to facilitate a student's participation in a field trip, the District must provide this support at no cost to the parent. The District may request that a parent accompany the student, but may not require the parent to do so.

Within 30 days of the end of the fall 2013 semester, the District will provide the draft Procedures to OCR for review and comment. Within 30 days of OCR's approval of the Procedures, the District will submit evidence to OCR that the District adopted the Procedures.

B. Within 20 days of adopting the Procedures, the District will:

- i. disseminate the Procedures to all site principals, with a cover memo instructing principals to review the Procedures in person with all certificated staff within 10 days and informing them that they will be held accountable for ensuring that their school complies with the Procedures; and
- ii. post the Procedures at all District locations at which other District policies are posted.

Within 30 days of adopting the Procedures, the District will confirm to OCR in writing that it disseminated and posted them as required by this item.

C. The District will designate a specific District-level administrator (the “Designated Official”) with appropriate training on the requirements Section 504 and Title II to ensure the District’s compliance with the Procedures with respect to field trips. The Designated Official will, at a minimum, review the Procedures with school site principals at the start of each school year; confirm that staff at the school have received training on the Procedures; confirm and document each school site’s compliance with the Procedures at the end of each semester; and report in writing to the Superintendent following the end of each semester on the school sites’ compliance. Any time the Designated Official determines that a school site did not comply with the Procedure, she or he will: promptly inform the Superintendent and the site principal of the noncompliance; provide guidance to help ensure that the problem is corrected; and closely monitor the school site to ensure the noncompliance is not repeated. The Designated Official will continue to fulfill this function for at least two years following the signing of this Agreement.

Within 30 days of the end of each semester that this Agreement is in effect, the District will provide OCR with: the Designated Official’s report to the Superintendent and, for each instance where the Designated Official determined that a school site did not comply with the Procedures, a description of the noncompliance and of the Designated Official’s response.

Progress Reporting Procedures

D. The District will adopt a policy or written guidance (Guidance) specifying that the Section 504, IEP or other multidisciplinary team for each student with a disability will determine whether and to what extent the school information system should be used by the student’s teachers or service providers to communicate with the student or her or his parents. In making the determination, the team will apply the principle that districts may not treat students differently on the basis of disability in the provision of aids, benefits, or services; however, districts may provide a different aid, benefit, or service to persons with disabilities where necessary to provide an aid, benefit, or service that is as effective as that provided to others.

Within 30 days of the end of the fall 2013 semester, the District will provide the draft Guidance to OCR for review and comment. Within 30 days of OCR's approval of the Guidance, the District will submit evidence to OCR that the District adopted the Guidance.

E. Within 20 days of adopting the Guidance, the District will:

- i. disseminate the Guidance to all site principals and certificated staff, with an explanatory cover memo; and
- ii. post the Guidance at all District locations at which other District policies are posted.

Within 30 days of adopting the Procedures, the District will confirm to OCR in writing that it disseminated and posted them as required by this item.

F. The District will utilize the school information system as appropriate and to the extent possible to ensure school staff may use the program in a manner that complies with the Section 504, IEP or other service plans of students with disabilities.

Within 30 days of the end of each semester that this Agreement is in effect, the District will inform OCR in writing of whether any modifications to the school information system were deemed necessary, and confirm that the changes have been made.

The District understands that OCR will not close the monitoring of this Agreement until OCR the later of November 15, 2015 and the date OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, Title II, and their respective implementing regulations. The District understands that OCR will close the monitoring of this Agreement after the District has provided documentation that it has complied with the terms of this Agreement. 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) calendar days to cure the alleged breach.

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 the

regulations implementing Section 504 and Title II at 34 C.F.R. §§ 104.37 and 104.4 and 28 C.F.R. § 35.130, which were at issue in this matter.

By: _____/s/_____ Date: 11/22/2013