

Resolution Agreement
Val Verde Unified School District
U.S. Department of Education, Office for Civil Rights
Docket Number 09-15-1323

To resolve the above-referenced complaint with the U.S. Department of Education, Office for Civil Rights (OCR), filed pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, the Val Verde Unified School District (District), without admitting to any violation of the law, agrees to take the following actions:

I. Final Written Decision

- A. The District will provide the Complainant with a revised final written decision to Complainant's April XX, 2015 complaint allegations of disability discrimination. This final written decision will explain the District's investigative process, a summary of the factual information gathered, its determination as to whether discrimination, including harassment, occurred, the reasons for its decisions, and any appeal procedures. If discrimination, including harassment, is found to have occurred, the written notification will also include any remedial and corrective actions that have been or will be taken to address the discrimination or harassment and prevent any retaliation or recurrence.

By September 30, 2015, pursuant to Section I(A) of this Agreement, the District will provide a draft of its final written decision to OCR for review and approval. Within ten days of receiving OCR approval, the District will provide the Complainant and OCR with a final copy of the final written decision pursuant to Section I(A).

II. Grievance Procedure, Notice of Grievance Procedure, and Guidance Memorandum

- A. The District will revise its Uniform Complaint Procedures (UCP) (including Board Policy 1312.3 and Administrative Regulation 1312.3) to ensure that they provide a prompt and equitable response to complaints alleging discrimination, including harassment, on the bases of race, color, national origin, sex, disability and/or age. The revised procedures will include the following elements:
1. The procedures will apply to complaints against students, employees, and third parties.
 2. The procedures will provide that any school employee who observes any incident of discrimination, including harassment, involving a student, or receives a complaint or other notice of such discrimination, shall report the information in two days to the compliance officer, whether or not the targeted student files a complaint.
 3. The procedures will inform the complainant of the availability of optional informal resolution, but will state that the student is under no obligation to participate in informal resolution.

4. The procedures will state that the District must make a determination of whether interim measures are necessary during and pending the results of an investigation. Any such actions, whether interim or permanent, shall avoid or minimize to the extent possible any disadvantage to the student who complained.
5. The procedures will provide that the District will conduct an investigation that is adequate, reliable, and impartial. The investigator will interview individuals who have knowledge relevant to the complaint, including, but not limited to, the complainant, the person who was the subject of the discrimination if different, the person accused of discrimination, anyone who witnessed the reported discrimination, and individuals identified as having relevant information. The investigator will also review any records, notes, memoranda, correspondence, or statements related to the discrimination. The District may take other appropriate investigative steps, such as visiting the location where the discrimination is alleged to have taken place.
6. The procedures will provide an assurance that if discrimination, including harassment, is found, the District will take steps to stop the discrimination, prevent recurrence, and remedy discriminatory effects on the complainant and others, if appropriate.
7. The procedures will state that it will disclose to the target of the discrimination information about the sanction imposed upon an individual who was found to have engaged in discrimination, including harassment, when the sanction directly relates to the targeted student.
8. The procedures will include a statement that the District prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination. Any individual who believes he/she has been subjected to retaliation may file a separate complaint under this procedure.

By October 14, 2015, pursuant to Section II(A) of this Agreement, the District will provide OCR for its approval with a draft of proposed revisions to its UCP. Within 30 days of approval from OCR of the District's revisions to the above-mentioned policies, the District will (i) update its student handbooks and employee handbooks to ensure that these materials are consistent with any revisions made under this Section II(A); and (ii) distribute the revised handbooks to each school site with instructions to cease using prior versions. Within one week of the District's distribution of these handbooks, the District will provide OCR with evidence sufficient to demonstrate that they have been distributed in accordance with this Agreement.

B. The District will revise its notice (entitled "Val Verde Unified School District, Student Services, Uniform Complaint Procedures) to include the following elements:

1. The notice will include a statement that the UCP applies to complaints against students, employees, and third parties.

2. The notice will state that the District will conduct its investigation in accordance with its UCP, and will refer complainants to its UCP (including Board Policy 1312.3 and Administrative Regulation) for further information.
3. The notice will indicate that the District will provide the complainant with a final written decision in accordance with its UCP.
4. The notice will state that any individual, public agency, or organization may also file a complaint with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr/complaintintro.html (instead of referring individuals to OCR's address).

By October 14, 2015, pursuant to Section II(B) of this Agreement, the District will provide a draft of this notice to OCR for review and approval. Within ten days of receiving OCR approval, the District will (i) provide OCR with a final copy of the notice; and (ii) distribute the revised notice to each school site with instructions to cease using prior versions. Within one week of the District's distribution of this notice, the District will provide OCR with evidence sufficient to demonstrate that it has been distributed in accordance with this Agreement.

C. The District will issue a guidance memorandum to all District staff and administrators regarding the revised UCP. The guidance memorandum will include, but is not limited to, the following:

1. A statement that the UCP is the District's procedure for addressing complaints alleging unlawful discrimination based on disability.
2. A statement that the UCP applies to complaints against students, employees, and third parties.
3. A statement that any school employee who observes any incident of discrimination, including harassment, involving a student, or receives a complaint (whether in writing or informally) or other notice of such discrimination, shall report the information within two days to the compliance officer, whether or not the targeted student files a complaint.
4. A statement that the District is required to follow the steps itemized in the UCP, including: a) conducting an adequate, reliable, and impartial investigation; and b) preparing and sending a written report of the District's investigation and decision to the complainant.
5. A statement that parents or students who report an act of discrimination to any school employee must be informed of the UCP (including Board Policy 1312.3 and Administrative Regulation 1312.3).

By October 14, 2015, pursuant to Section II(C) of this Agreement, the District will provide a draft of the guidance memorandum to OCR for review and approval. Within ten days of receiving OCR approval, the District will provide OCR with a final copy of the guidance memorandum and a distribution list pursuant to this Section II(C).

III. Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient 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. Part 104 and 28 C.F.R. Part 35, which were at issue 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 the regulation implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, 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 shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or District Representative

_____08/31/2015_____
Date

_____Michael R. McCormick, Superintendent_____
Printed Name and Title