

**Resolution Agreement**  
**OCR Case No. 07211067**  
**Yutan Public Schools**

The Yutan Public Schools voluntarily enters into this agreement to resolve the allegations in the above-referenced complaint filed under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination based on disability by recipients of federal financial assistance, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination based on disability by public entities.

Before OCR completed its investigation, the Yutan Public Schools agreed to resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not made any conclusions of law or issued a final determination with regard to this complaint. While the Yutan Public Schools agrees to take the following actions, nothing contained in this Agreement shall be construed as an admission on its part to the allegations in the complaint.

**RESOLUTION PROVISIONS**

1. By August 30, 2021, the Yutan Public Schools will designate an employee to coordinate its efforts to comply with Section 504 and Title II. The designated employee should have education and training regarding the requirements of Section 504 and Title II and knowledge of actions the Yutan Public Schools must take to demonstrate compliance with these laws.

**REPORTING REQUIREMENT: Within fifteen (15) calendar days** after the completion date shown above for paragraph 1, the Yutan Public Schools will provide OCR, in writing, the name, title, telephone number, and email address of the designated Section 504/Title II Coordinator. The Yutan Public Schools will also provide OCR documentation evidencing the designated employee's education and training regarding Section 504 and Title II.

2. By August 30, 2021, the Yutan Public Schools will revise its Notice of Nondiscrimination that informs appropriate parties of the protections against discrimination assured them under Section 504 and Title II. At a minimum, the revised Notice of Nondiscrimination will comport with the requirements in OCR's sample notice of nondiscrimination described in OCR's publication *Notice of Non-Discrimination*, available online at: <https://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>; in particular, the revised Notice of Nondiscrimination will include identification of the Yutan Public Schools' Section 504/Title II Coordinator. OCR is available to provide technical assistance upon request.

**REPORTING REQUIREMENT: Within fifteen (15) calendar days** after the completion date shown above for paragraph 2, the Yutan Public Schools will provide OCR a copy of its revised Notice of Nondiscrimination for review and approval. **Within fifteen (15) calendar days** after receiving a copy of the revised Notice of Nondiscrimination, OCR will notify the Yutan Public Schools in writing whether the revised Notice of Nondiscrimination meets the notice requirements of Section 504 and Title II or, if not, what further revisions need to be made to the Notice of Nondiscrimination so that it complies with the notice requirements of Section 504 and Title II.

3. **Within thirty (30) calendar days** after OCR notifies the Yutan Public Schools that the revised Notice of Nondiscrimination described in paragraph 2 above meets the notice requirements of Section 504 and Title II, the Yutan Public Schools will publish the revised Notice in every location where it currently publishes a Notice of Nondiscrimination. At a minimum, the Notice or a link to the Notice must appear on the homepage of the Yutan Public Schools' website, and the Notice must be included in any recruitment material or publications containing general information that the Yutan Public Schools makes available to participants, beneficiaries, applicants, or employees. The Yutan Public Schools may meet the requirements of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications. OCR is available to provide technical assistance upon request.

**REPORTING REQUIREMENT: Within thirty (30) calendar days** after completion of the requirements described in paragraph 3 above, the Yutan Public Schools will provide OCR documentation indicating completion of the requirements. Documentation acceptable to OCR may include screenshots of the revised Notice of Nondiscrimination on webpages of the Yutan Public Schools' website, copies of internet links to webpages on the Yutan Public Schools' website showing revised the Notice of Nondiscrimination has been incorporated, and hardcopies of materials and publications where the revised Notice of Nondiscrimination has been incorporated by use of inserts or through revision and reprinting.

4. By August 30, 2021, the Yutan Public Schools will draft grievance procedures that incorporate appropriate due process standards and provide for prompt and equitable resolution of complaints alleging actions prohibited by Section 504 and/or Title II. At a minimum, the grievance procedures must apply to complaints alleging discrimination based on disability by, between, or affecting, students, parents or guardians of students, employees, visitors, and other intended beneficiaries of the programs, services, and benefits offered by the Yutan Public Schools. At a minimum, the grievance procedures should include the following elements:
  - a) notice to the accused, where applicable;
  - b) investigation by an impartial investigator;
  - c) an opportunity for the accuser and the accused to present evidence and witnesses;

- d) time frames for completion of all major stages of the grievance process;
- e) written notice to the parties of the outcome of the investigation and grievance decision; and
- f) an appeal procedure.

OCR is available to provide technical assistance upon request.

**REPORTING REQUIREMENT: Within fifteen (15) calendar days** after the completion date shown above for paragraph 4, the Yutan Public Schools will provide OCR a copy of its draft grievance procedures for review and approval. **Within fifteen (15) calendar days** after receiving a copy of the draft grievance procedures, OCR will notify the Yutan Public Schools in writing whether the draft grievance procedures meet the requirements of Section 504 and Title II or, if not, what revisions need to be made to the draft grievance procedures, so that the procedures comply with the requirements of Section 504 and Title II.

5. **Within forty-five (45) calendar days** after OCR notifies the Yutan Public Schools that the draft grievance procedures described in paragraph 4 above meet the requirements of Section 504 and Title II, the Yutan Public Schools will adopt and publish the grievance procedures and take steps to notify students, employees, visitors, and other intended beneficiaries of the programs, services, and benefits offered by the Yutan Public Schools of the grievance procedures, including providing a link to the grievance procedures or information sufficient for individuals to locate the published grievance procedures. Notification may be accomplished by email, flyers, inclusion in school newsletters, an announcement on the homepage of the Yutan Public Schools' website, and/or other methods reasonably calculated to inform students, employees, visitors, and other intended beneficiaries of the Yutan Public Schools of the existence and location of the grievance procedures. OCR is available to provide technical assistance upon request.

**REPORTING REQUIREMENT: Within thirty (30) calendar days** after completion of the requirements described in paragraph 5 above, the Yutan Public Schools will provide OCR documentation indicating completion of the requirements. Documentation acceptable to OCR would include copies of the emails, flyers, school newsletters, and other hardcopy materials used to inform students, employees, visitors, and other intended beneficiaries of the Yutan Public Schools of the existence and location of the grievance procedures. Please include the distribution list(s) for any emails. If an announcement was included on the homepage of the Yutan Public Schools' website, please provide a screenshot of the announcement or a link to the webpage where the announcement appears.

6. By August 30, 2021, the Yutan Public Schools will draft written procedures to notify parents or guardians of students with disabilities about Section 504 procedural safeguards. Specifically, with respect to actions regarding the identification, evaluation, and/or educational placement of students who, because of disability, need or are believed to need special instruction or related services, the Yutan Public Schools will

notify the parents or guardians of these students of the availability of a system of procedural safeguards provided by the Yutan Public Schools that includes notice of actions, an opportunity for the parents or guardians of the students to examine relevant records, an impartial hearing with opportunity for participation by the student's parent or guardian and with the opportunity for representation by counsel, and a review procedure. OCR is available to provide technical assistance upon request.

**REPORTING REQUIREMENT: Within fifteen (15) calendar days** after the completion date shown above for paragraph 6, the Yutan Public Schools will provide OCR a copy of its draft written procedures to notify parents or guardians of students with disabilities about Section 504 procedural safeguards. **Within fifteen (15) calendar days** after receiving a copy of the draft written procedures to notify parents or guardians of students with disabilities about Section 504 procedural safeguards, OCR will notify the Yutan Public Schools in writing whether the draft written procedures meet the requirements of Section 504 or, if not, what revisions need to be made to the draft procedures so that they comply with the requirements of Section 504.

7. **Within thirty (30) calendar days** after OCR notifies the Yutan Public Schools that the draft written procedures to notify parents or guardians of students with disabilities about Section 504 procedural safeguards described in paragraph 6 above meet the requirements of Section 504, the Yutan Public Schools will notify every administrator, principal, assistant principal, department head, facilities manager, nurse or other medical personnel, and counselor about the procedures and provide a copy of the procedures to each of these employees. OCR is available to provide technical assistance upon request.

**REPORTING REQUIREMENT: Within thirty (30) calendar days** after completion of the requirements described in paragraph 7 above, the Yutan Public Schools will provide OCR documentation indicating completion of the requirements. Documentation acceptable to OCR must include a list of the names and titles of all of the employees who received notice and a copy of the procedures to notify parents or guardians of students with disabilities about Section 504 procedural safeguards, and copies of the notice and the procedures provided to each of the employees.

8. **Within forty-five (45) calendar days** after the Yutan Public Schools signs this Resolution Agreement, the Yutan Public Schools Superintendent or designee will send correspondence to the Complainant in this case stating the Yutan Public Schools, upon written request and proper consent from the Complainant, will re-evaluate the Complainant's son to identify his disabilities, evaluate and determine how his disabilities affect him, and develop a 504 plan appropriate meet his educational needs, if the Complainant re-enrolls her son as a student in the Yutan Public Schools at any point in the future. The correspondence to the Complainant will also state the Yutan Public Schools will provide the Complainant notice of Section 504 procedural safeguards in conjunction with any action by the Yutan Public Schools to identify, evaluate, and/or

determine an educational placement for her son. The correspondence to the Complainant may be accomplished by email or U.S. Postal Service. OCR is available to provide technical assistance upon request.

**REPORTING REQUIREMENT: Within fifteen (15) calendar days** after completion of the requirements described in paragraph 8 above, the Yutan Public Schools will provide OCR documentation indicating completion of the requirements. Documentation acceptable to OCR would be a copy of the correspondence sent by the Yutan Public Schools to the Complainant showing the date and time the correspondence was sent, if sent by email, or a receipt or other evidence of the date the correspondence was mailed if it was sent via U.S. Postal Service.

The Yutan Public Schools understands that, by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Yutan Public Schools understands that, during the monitoring of this Agreement, if necessary, OCR may visit the Yutan Public Schools, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether it has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II, and the regulations implementing these laws. Upon completion of the obligations under this Agreement, OCR shall close this case.

The Yutan Public Schools 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 Yutan Public Schools written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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August 9, 2021

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Date