

**El Rancho Unified School District
(Docket Number 09-13-1028)
Resolution Agreement**

El Rancho Unified School District (Recipient), agrees to implement the following Resolution Commitment, in order to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), in the above referenced docket number. In agreeing to this plan, the Recipient is not admitting to any violation of State or Federal law.

The Recipient will take the following steps in order to offer water safety/swimming instruction to students with disabilities during the regular and extended school year at El Rancho High School who are eligible for Adaptive Physical Education (APE) services:

- I. By July 31, 2014, the Recipient will provide OCR with documentation that it has hired/trained sufficient PE personnel and/or other District staff in APE water safety/swimming instruction in order to ensure that it has enough qualified staff to offer such instruction as a viable placement option under Section 504 or the IDEA during the 2013-2014 school year and the 2014 ESY. This documentation will include the number of individuals trained, their position, and school site or district office.
- II. By July 31, 2014, the Recipient will provide OCR with a draft written notice, in English and Spanish, to the parents/guardians of all students with an IEP or Section 504 plan at the secondary level of the availability of water safety/swimming as a possible APE activity/placement, and how they can request this activity/placement during the regular school year and during ESY 2014. Within 20 days after approval from OCR, the Recipient will provide OCR with documentation that it has issued the notice.
- III. On September 30, 2014 the Recipient will provide OCR with documentation that it has held a new IEP meeting for the students at the secondary level that request it, in order for the IEP team to reconsider the parents' request that water safety/swimming be provided as an APE activity/placement in the 2013 and 2014 school year and the 2014 ESY. The IEP team will determine whether each student, even with reasonable accommodation, would represent an unreasonable risk to his or her own safety or the safety of others. If the IEP team determines that the Student would not, the Recipient will provide water safety/swimming instruction for the Student, for a period of time equivalent that generally made available to students without disabilities. The documentation provided to OCR will include the IEP team's determination. If the team decides not to provide the swimming water safety instruction, the Recipient will provide OCR the information considered in making the decision, and an explanation of its reasoning, as well as a copy of the IEP team notes and any other documents regarding the meeting.

- IV. By August 31, 2014, the Recipient will provide OCR with documentation for the 2014 extended school year, of:
- A. the total number of students with an IEP or Section 504 plan at the secondary level;
 - B. the number of APE students receiving water safety/swimming instruction;
 - C. the number of APE students not receiving water safety/swimming instruction; and
 - D. the unique student identifiers for any students whose parents requested water safety/swimming as an element of their APE placement, whether it was approved, and why/why not.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act and its implementing regulations at 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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act and its implementing regulations at 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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
District Superintendent or Designee

_____6/27/2014_____
Date