

**Acalanes Union High School District**  
Resolution Agreement  
OCR Case No. 09-13-1192

In order to resolve the issues raised in the above-referenced complaint filed with 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) the Acalanes Union High School District, without admitting any violation of the law, agrees to take the actions outlined in this Resolution Agreement.

**A. Guidance for District and Site Administrators on Section 504 Policies and Procedures**

The District will provide a written guidance memorandum on its Section 504 Policies and Procedures to all District and site level administrators and staff who have or may have responsibility for initiating, developing or coordinating the implementation of Section 504 plans. The guidance memorandum will:

1. Reiterate the District's responsibilities for providing a free, appropriate public education (FAPE) to students with disabilities under Section 504, including a reminder that when the District has reason to believe that a student has a disability and needs or may need special education or related services under Section 504, the District is obliged to conduct an assessment of the student whether or not the parent has provided a diagnosis or other documentation, and whether or not the parent has requested an evaluation or services.
2. Explain the definition of an individual with a disability and the definition of major life activities consistent with Section 504 and Americans with Disabilities Amendments Act of 2008 (Amendments Act).<sup>1</sup>
3. Identify criteria or indicators for when a Section 504 evaluation is necessary and summarize (1) how the Section 504 evaluation process is conducted, (2) required timelines, and (3) the individual responsibilities of administrators and staff.

**B. Training for Staff**

The District will conduct in-service training on its Section 504 policies and procedures for the Section 504 Coordinator, Counselors, Nurses, Psychologists, and any other staff members or administrators at XXXXXXXXX High School and the District who have responsibility for identifying students with special needs.

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<sup>1</sup> These issues and other matters related to Section 504/Title II and the Amendments Act are explained in a "Dear Colleague Letter," including frequently asked questions, that was issued by OCR on January 12, 2012.

1. The training will be conducted by an individual with experience and expertise in Section 504/Title II requirements and will specifically address the following: the definition of student with a disability under Section 504 and Title II, how to identify when a Section 504 evaluation should be conducted, how the Section 504 evaluation and placement process is conducted, required timelines, the individual responsibilities of administrators and staff, and the procedural rights of parents and guardians .
2. The training will cover the following:
  - a. The District and School's responsibilities generally for providing FAPE to students with disabilities under Section 504.
  - b. The District's Section 504 policies and procedures for identification, evaluation and placement process, and procedural safeguards for parents.
  - c. The definition of an individual with a disability and the definition of major life activities consistent with Section 504 and the Amendments Act.
  - d. The School's specific responsibility for conducting an evaluation of a student under Section 504 if it believes or has reason to believe that the student needs or may need special education or related services due to a disability, the academic and behavioral indicators for determining when such an evaluation is needed, and examples of circumstances where evaluation may be appropriate.
  - e. The full range of services that can be provided under Section 504 including special education and related aids and services.

**C. Individual Remedy**

1. The District will provide the Complainant reimbursement for receipts that she provides or pay the service provider directly for an intensive summer XXXXXXXX course that covers material substantially equivalent to the year-long AP XXXXXXXX course offered at XXXXXXXXX High School as well as supplemental XXXXXXXX tutoring for the Student during the first year that she takes XXXXXXXX XXXXXXXX in order to support her in processing the concepts and problem solving techniques that she learns during the summer course, up to a maximum payment of \$5,365.
2. The District must receive OCR's approval of the basis for its proposed payment in order to satisfy Section C.1 above.

**D. Reporting and Monitoring**

1. Guidance memorandum: By December 17, 2013, the District will provide OCR with a draft of the guidance memorandum described in Section A and will work cooperatively with OCR to resolve any questions or concerns OCR may have concerning the draft. Within 3 days after receiving OCR's approval of the draft, the District will distribute the guidance memorandum with a copy and written confirmation of distribution sent to OCR.
2. Training: The District has indicated that they prefer to have OCR conduct the training for staff described in Section B. The District will make the relevant staff available for the training to be completed by March 3, 2014.
3. Individual Remedy: No later than June 30, 2015, the District will provide OCR a copy of all checks provided to the Complainant or service provider pursuant to Section C.1.
4. 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 and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§104.33-104.36, which were at issue in this case.
5. 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 Institute has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§104.33.
6. 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/\_\_\_\_\_  
Authorized representative of the District

12/12/2013  
Date