

Resolution Agreement
Santa Ana Unified School District
OCR Case No. 09-13-1344

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 Santa Ana Unified School District (District), without admitting any violation of federal law, and without a compliance determination by OCR, agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Student Records

- a. By February 3, 2014, the District will remove the XXXXX X, 2013 and XXX XX, 2013 suspensions, including all references to the offense and disposition, from the Student's records.
- b. By February 10, 2014, the District will provide the Complainant with written notification that it has taken the action described in Section I.a above.
- c. By February 18, 2014, the District will provide OCR with verification that it has taken the actions described in Sections I.a-b above, including a copy of the Student's disciplinary record and the written notice provided to the Complainant.

II. Continued Behavior Support

- a. Provided the Student continues to reside in the District and attend XXXXXXXXXXXX High School or another high school located within the District, the District will ensure that the behavior supports and counseling provisions in the Student's Individualized Education Plan, dated November 20, 2013 continue to be fully implemented by all relevant staff at XXXXXXXXXXXX High School.
- b. Provided the Student continues to reside in the District and attend XXXXXXXXXXXX High School or another high school located within the District, the District will designate a District-level administrator the Complainant may contact with concerns regarding the implementation of the Student's behavior supports or discipline imposed on the Student and will inform the Complainant of the designated individual.

- c. The District will not be required to provide the services or adhere to the provisions identified in II (a) and (b) above if the Student exits special education.
- d. By February 10, 2014, the District will provide OCR with verification that it has provided the Complainant with the notification described in Section II.b above.
- e. The District will provide OCR with copies of any records reflecting discipline imposed on the Student after the date of this Agreement, through the end of the 2013-2014 school year, and any complaints filed by the Complainant regarding discriminatory treatment of the Student during the same period, if any, no later than 5 days after the end of the 2013-2014 school year.

III. Monitoring

- a. 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. OCR and the District anticipate that the monitoring of this Agreement will conclude no later than 30 days after the end of the 2013-2014 school year.
- b. 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 of the Rehabilitation Act of 1973 at 34 C.F.R. §§104.33.
- c. 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/_____

_____/1/20/2014_____

Doreen Lohnes, Assistant Superintendent

Date