

Agreement to Resolve

Pursuant to the U.S. Department of Education, Office for Civil Rights (OCR) Case Processing Manual at Section 302, OCR has the authority to accept this resolution agreement before the conclusion of the investigation of the above-referenced complaint. In order to resolve this complaint filed with OCR under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and without admitting to any violation of law, the Stanislaus Union School District (District) agrees to implement the following resolution provisions.

A. Student

Within thirty days from the date of this Agreement, the District will convene an IEP team to review the Student's Behavior Support Plan (BSP). The team will ensure that the provisions in the plan are sufficient to appropriately address any behavior issues related to the Student's disabilities; if not the team will revise the BSP. The District held the aforementioned IEP meeting on December 5, 2013. The IEP team, including the parents, have agreed not to put a BSP in place at this time.

B. Training:

The District will provide training to all appropriate staff at XXXXXXXXX Elementary School on the following topics:

1. staff's responsibility for understanding and implementing BSP's for students with disability-related behavioral issues;
2. District and school policies for discipline of students with disabilities, including due process requirements under the IDEA and Section 504;
3. ensuring that the burden of the steps taken to resolve conflicts between students is not imposed on students with disabilities, and that students with disabilities are not isolated from other students to resolve student conflicts (except as provided in a student's BSP).

- The Training will be conducted by January 15, 2014.

C. Reporting

- By January 15, 2014, the District will provide OCR with documentation showing that the IEP has met to review the Student's BSP, whether any changes were made and, if so, a copy of the revised BSP.
- By December 20, 2013, the District will provide OCR with the name and position of the individual who will provide the training at XXXXXXXXX Elementary School, the date the training will be held, and the names or positions of the staff who will be required to attend.

- By January 31, 2014, the District will provide OCR with confirmation of the completion of the staff training. This will include a copy of the materials used if different than previously submitted, and the sign in sheet of all staff.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this complaint.

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 Title II of the Americans with Disabilities Act.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement.

_____/s/_____
Britta M. Skavdahl, Ed. D
Superintendent
Stanislaus Union Elementary School District

_____12/12/2013_____
Date