

Resolution Agreement
Acalanes Union High School District
OCR Case No. 09-14-1357

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 (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. Section 504 Meeting and Implementation

- a. Within 14 days of the date of this Agreement, the District will convene a Section 504 meeting to review the Student's Auditory Processing Deficit/Disorder evaluation report, the Student's performance under the current Section 504 Plan and consider adjustments to the Student's accommodations, including but not limited to accommodations requested by the Student and Complainant, and the Student's participation in extracurricular activities and sports.
- b. The District will ensure all relevant personnel with knowledge about the Student are present at the same time for the Student's Section 504 meeting, including but not limited to: the Student's teachers; the Student's counselor; and the School's Psychologist. The Complainant may bring an advocate or representative to the meeting.
- c. The District may consult with OCR regarding the applicable Section 504 and Title II standards and will ensure the Student's Section 504 team reviews and considers the following Section 504 and Title II guidance from OCR:
 - i. OCR's November 12, 2014 Dear Colleague Letter concerning effective communication for students with hearing, vision, or speech disabilities in public elementary and secondary schools.¹
 - ii. OCR's November 12, 2014 Frequently Asked Questions concerning effective communication for students with hearing, vision, or speech disabilities in public elementary and secondary schools.²
 - iii. OCR's Dear College Letter concerning access to extracurricular activities for students with disabilities.³
- d. The District will ensure that the Student's Section 504 Plan is specific, easily understandable and written in a manner such that all parties, including Student's

¹ Available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-effective-communication-201411.pdf>

² Available at <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-faqs-effective-communication-201411.pdf>.

³ Available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>

parents, the Student and staff understand the services that are to be delivered. The Section 504 Plan will clearly state the specific nature of each service to be provided, how frequently and under what circumstances it will be provided, who is responsible for determining when the service is to be provided, and who is responsible for ensuring that the service is provided.

- e. The Section 504 team will develop a system to document implementation of the Student's Section 504 Plan on a regular basis for the remainder of the 2014-2015 school year. The District will designate a District level staff person to review the documentation on a monthly basis, at a minimum. The District will not designate the Student as the individual responsible for documenting implementation of the Section 504 Plan.

II. Reporting Requirements:

- a. Within 5 days of this Agreement, the District will provide the Complainant with written notice of the Section 504 meeting and an assurance that the meeting will include items I.a-d above and provide OCR with verification that the written notice has been sent.
- b. Within 30 days of the date of this Agreement, the District will provide OCR with verification that the Section 504 meeting was convened in accordance with items I.a-d above, including a copy of the Student's Section 504 plan and notes from the Section 504 meeting.

III. Monitoring

- a. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35, which were at issue in this case.
- b. The District further 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 regulations implementing Section 504, at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35 which were at issue in this case. By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement.

- 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) days to cure the alleged breach.

_____/s/_____
Cheryl Hazell- Small, Director of Special Services
Acalanes Union High School District

12/12/2014
Date