

Resolution Agreement
Salinas Union High School District
OCR Case Number 09-14-1435

The Salinas Union High School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement to resolve the issues investigated by the Office for Civil Rights, U.S. Department of Education (OCR), under the Title II of the Americans with Disabilities Act (Title II) and Section 504 of the Rehabilitation Act (Section 504), in the above-referenced complaint.

I. Individual Remedies

- A. The District shall permanently remove the Letter of Reprimand, dated February XX, 2014, Letter of Direction, dated February XX, 2014, and any attached or supporting documents from the complainant's personnel file regarding all actions taken by the complainant that were referenced in the aforementioned letters. Such attached or supporting documents include any additional documentation that may have been placed in the complainant's personnel file regarding, or in response to, his actions at any IEP meeting between August 1, 2013 and May 30, 2014.
- B. The District shall not substitute any other document in the complainant's personnel file, including but not limited to a Summary of Conference, which addresses the same matter(s) alleged by the complainant in OCR Case Number 09-14-1435.
- C. For purposes of this agreement, document is defined as: a piece of written, printed, or electronic matter that provides information or evidence or that serves as an official record.

II. Training

- A. The District shall provide training to the special education administrators responsible for personnel matters regarding how to informally resolve conflicts between staff members, investigate formal and informal complaints, and the circumstances under which progressive discipline may be appropriate.
- B. The District shall ensure that the scope of training in II.A includes training on: 1) Section 504 and its implementing regulations, at 34 C.F.R. §104.61, which incorporates 34 C.F.R. §100.7(e) by reference and Title II and its implementing regulations, at 28 C.F.R. §35.134, which prohibit school districts from intimidating, coercing, or retaliating against individuals because they engage in activities protected by these laws, including but not limited to interfering with any right or privilege secured by these laws; and 2) Section 504 and its implementing regulations, at 34 C.F.R. §104.35(c), which ensures, in part, that placement decisions are made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options and that such individuals participate in

discussions and decision-making to make a placement decision in conformity with the Section 504.

- C. The District is encouraged to consult with OCR in developing the training and to involve OCR in the training process, including in developing and providing the training to the District.

III. Monitoring and Reporting

- A. Within 30 days of the date on which this agreement is signed, the District will remove the Letter of Direction, Letter of Reprimand, and any attached or supporting documents from the complainant's personnel file. The District staff member who takes these actions will provide a signed written memorandum to OCR stating the actions taken and the dates they were taken.
- B. If the training is not provided by OCR, the District shall provide to OCR for review and comment a copy of the training agenda, including the names and titles of the trainer(s), and a copy of the training materials, pursuant to Section II above, by October 20, 2015.
- C. The District shall provide the training, pursuant to Section II above, by November 10, 2015. The District shall provide OCR with documentation that shows that it has completed the training by November 20, 2015. This documentation is to include (a) the names and titles of the trainer(s), (b) the dates of the trainings, (c) a copy of the final agenda and materials used at each of the trainings, and (d) a list of the participants with titles.

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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent
Salinas Union School District

10/13/2015
Date