

Resolution Agreement
Chaffey Joint Union High School District
(Docket Number 09-15-1166)

To resolve the compliance issues identified by the U.S. Department of Education, Office for Civil Rights (OCR), during its investigation of the above-referenced complaint filed pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, the Chaffey Joint Unified School District (District), without admitting to any violation of the law, agrees to take the following actions:

I. Guidance and Training on Confidentiality

- A. The District will draft written guidance and conduct training for school site staff at Los Osos High School on the District's responsibilities to ensure that personal information about any student, including information about a student's disabilities, is not shared with other students. The written guidance is to be distributed to all District and school site administrators.
- B. The District will provide OCR with a draft of the guidance described in I.A. above by August 14, 2015. Within 15 days of OCR's approval, the District will provide OCR with documentation that it has distributed the guidance to all site administrators.
- C. Within 30 days of issuing the guidance described in I.A. above, the District will provide OCR with documentation that it has conducted training for all school site staff at Los Osos High School on the guidance. Documentation should include name, title of the person providing the training, training materials used, list of training date(s), and a list of attendees.

II. Guidance and Training on Harassment

- A. The District will draft written guidance and conduct training for school site staff at Los Osos High School on the District's obligation to respond in a prompt and equitable manner to complaints of harassment based on disability. The written guidance is to be distributed to all District and school site administrators. The guidance will include the following information:
 - 1. a statement that the District is responsible under Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Amendments Act (ADAA) for responding appropriately to reports of disability-based harassment, even if a formal complaint is not filed;
 - 2. how to identify disability-based harassment, including staff-on-student harassment;

3. a description of how staff and administrators should respond to reports of disability-based harassment, including identification of specific site administrators who should be notified as soon as an incident is reported;
 4. the steps that the designated site administrator(s) should take to investigate the incident and guidance on how to document the investigation;
 5. the steps the school will take in response to harassing behavior, including actions to ensure that the offending student or staff is, at minimum, counseled about the seriousness of the offense and, where applicable, progressive disciplinary steps are taken;
 6. a statement that students and parents must be notified of the steps the District is taking in response to the reported incident, and guidance on how and when the notification should be provided;
 7. the requirement that students and parents must be notified of their right to file a formal complaint and be provided a copy of the District Uniform Complaint Procedures; and,
- B. The District will provide OCR with a draft of the guidance described in II.A. above by August 14, 2015. Within 15 days of OCR's approval, the District will provide OCR with documentation that it has distributed the guidance to all site administrators.
- C. Within 30 days of issuing the guidance described in II.A. above, the District will provide OCR with documentation that it has conducted training for all school site staff at Los Osos High School on the guidance. Documentation should include name, title of the person providing the training, training materials used, list of training date(s), and a list of attendees.

III. Training on Section 504 Policies and Procedures

- A. The District will conduct training for school site staff at Los Osos High School on its policies and procedures for providing a free, appropriate public education under Section 504 and the Title II. The training will be provided to principals and vice principals, Section 504 coordinators, counselors, nurses, psychologists, special education staff, and any other staff members working with students with special needs.
- B. The training will be conducted by an individual with experience and expertise in Section 504/Title II requirements. The training will cover (but is not limited to) the following:
1. the definition of an individual with a disability and the definition of major life activities consistent with Section 504 and the ADAA;

2. the District and school responsibilities generally for providing a free appropriate public education (FAPE) to students with disabilities under Section 504; and
 3. the District's Section 504 policies and procedures for identification, evaluation and placement process, and procedural safeguards for parents;
- C. By September 30, 2015 the District will provide documentation to OCR verifying that the appropriate staff members have received the training. Documentation should include name, title of the person providing the training, training materials used, list of training date(s), and a list of attendees.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F.R. Part 104 and 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 the regulation implementing Section 504 and Title II at 34 C.F.R. Part 104 and 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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or Designee

_____07/15/2015_____
Date