

Resolution Agreement

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 Eureka City Unified School District (District) agrees to implement the following resolution provisions. Pursuant to CPM Section 302, OCR did not make findings regarding the allegation in the complaint.

Corrective Action

1. **Training:** the District will provide training to the District administrator that oversees high school after-school sports, the high school Athletic Director, the high school track coach, and the Student's special education case carrier to ensure that each understands that student services and accommodations must be provided consistent with a student's IEP/Section 504 plan (s).
2. **Section 504 Meeting:** Consistent with the requirements of Section 504, the District will convene a Section 504 meeting on or before July 1, 2015, to determine appropriate accommodations for the Student. The District shall provide Complainant with the appropriate procedural due process notice requirements regarding the Section 504 meeting, including but not limited to the Complainant's appropriate appeal rights in the event that Complainant disagrees with Section 504 accommodations recommended by the District.
3. **Track and Field Eligibility:** The District will submit a letter to the appropriate athletic body, requesting that the Student's eligibility to participate in school track and field events be through the 2015-2016 school year (June 15, 2016) or until the Student is no longer a District student, whichever occurs first.
4. **Compensatory Cross Country Training:** The District shall, at no cost to the Complainant or Student, provide 32.5 hours of compensatory support personnel serviced to provide Student with track practice. The practice shall occur at the high school track after school during Fall semester 2015 after the regular school day for one to two hours per school day when the Student is not engaged in cross country. The support person shall be qualified to support the Student in his track practice in accordance with his March 30, 2010, Section 504 Plan.

Reporting Requirements

- a. On or before June 1, 2015, consistent with Item 1, the District will provide OCR with a description of the training provided, a copy of any PowerPoint presentation, and a list of participants with their title.
- b. On or before June 1, 2015, consistent with Item 3, the District will provide OCR with a copy of the letter.
- c. On a before June 1, 2015, consistent with Item 4, the District shall submit to OCR the name of the support person whom the District intends to have provide support to the Student for track practice with documentation that the support person is qualified to perform this service.
- d. On or before August 1, 2015, consistent with Item 2, the District shall submit to OCR a copy of the proposed Section 504 Plan and procedural due process notice (s) provided to the Complainant.
- e. On or before August 1, 2015, consistent with Item 4, the District shall submit to OCR a copy of the schedule of the track praactice times and dates for the Student.

General Requirements

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. 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/_____
Dr. Fred Van Vleck
Superintendent
Eureka City Unified School District

_____05/1/2015_____
Date