

Resolution Agreement
Mojave Unified School District
OCR Case No. 09-15-1185

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, as amended (Title II) and their implementing regulations, the Mojave Unified School District (District), without admitting to any violation of the law, agrees to implement this Resolution Agreement (Agreement).

I. Individual Remedies

- 1) Within 15 days of the date on which this Agreement is signed, the District will provide written documentation to Complainant that the expungement of the Student's disciplinary record, in accordance with the District's offer, is complete.
- 2) Within 30 days of the date on which this Agreement is signed, the District will provide OCR with documentation verifying that notice of the expungement of the Student's disciplinary record was provided to Complainant.
- 3) In the event that the Student returns to the District, within 30 days of her enrollment, the District will complete the steps described below.
 - a. The District will hold an Individualized Education Program (IEP) meeting, which is to be attended by a team of individuals knowledgeable about the Student and about evaluation data concerning the Student. The purpose of the meeting, and subsequent meetings if necessary, is to determine whether the Student needs services, accommodations, or modifications to address the effects of the alleged harassment. The District will document all decisions, and the bases for all decisions, concerning whether or not the Student needs services, accommodations or modifications to address the effects of the alleged harassment.
 - b. The District will give the Student's family reasonable notice of the IEP meeting date and an opportunity to attend and to submit records or other information. The District will also provide the Student's family with written notice of procedural safeguards at the initial meeting.
 - c. The District will meet with the Student and her family to discuss and agree upon the steps the Student and/or family should take to report any future instances of alleged disability-based harassment and the process the District/School will use to respond. The District will provide the family and the Student a written copy of this process.
 - d. The District will designate an individual staff member at the Student's School, agreed upon by the family and Student, to whom the Student should report harassment.

- 4) Within 30 days of the IEP team meeting held pursuant to Section I.3.a., the District will submit the following to OCR:
 - a. the IEP team's decision concerning whether the Student needs services, accommodations, or modifications to address the effects of the alleged harassment and the basis for its decision;
 - b. a copy of the IEP produced at the meeting, including notes and addenda; and
 - c. verification that the Complainant was provided notice of procedural safeguards.

II. Training and Guidance Concerning Harassment Based on Disability and Responding to Complaints of Harassment

- 1) The District will draft written guidance and conduct training for school site staff at XXXXXXXXXXXXXXXXXXXX Middle School and all middle and high school site administrators on disability-based harassment.
- 2) The training will take place within 45 days of the start of the new academic year.
- 3) At each training session, the District will also distribute a guidance memorandum or bulletin. The training and guidance memorandum will include the topics listed below:
 - a. the District's policy prohibiting discrimination and harassment of a student by other students or by District employees based on disability;
 - b. the October 2010 "Dear Colleague Letter" issued by OCR, which clarifies the relationship between bullying and discriminatory harassment and how schools should respond;
 - c. the types of conduct that could constitute disability-based harassment, such as verbal acts and name-calling, graphic and written statements about a disability or disability-related characteristics or about classroom accommodations, or other conduct that may be physically threatening, harmful or humiliating.
 - d. an explanation that the Uniform Complaint Procedure is the District's procedure for resolving disability discrimination complaints, a summary of the procedure, a reference to where individuals can locate the full procedure, and the name and contact information of the District level individual responsible for responding to complaints of disability-based discrimination, including harassment;
 - e. what an administrator should do if he or she learns of harassment of a student by a peer or by an employee based on disability;
 - f. students, parents or guardians who report disability discrimination, including harassment, must be notified that they can address their complaints through the District's discrimination complaint process and how to obtain a copy of the procedure;

- g. investigations must include interviews of all relevant witnesses, including the individual alleged to have been subjected to discrimination, and anyone else who may have knowledge of the alleged discrimination;
 - h. records must be maintained documenting the processing and resolution of discrimination complaints, including documentation of witness interviews;
 - i. as required by the Uniform Complaint Procedures, the complainant must be provided with written notice of the outcome of the complaint including a statement of all the issues raised, the findings made on each issue and the rationale for each, the corrective actions for each issue, if any, and notice of the right to appeal; and
 - j. designation of a knowledgeable individual at the District Office to serve as a resource for any administrators or school site staff members who have questions as to how the guidance applies to a given situation and/or scenario.
- 4) The District will provide OCR with a draft of the guidance described above within 15 days of the date on which this Agreement is signed. Within 15 days of OCR's approval, the District will provide OCR with documentation that it has distributed the guidance to all site administrators.
- 5) Within 15 days of conducting the training pursuant to Section II.1., the District will provide OCR with documentation that it has conducted training for all school site staff at XXXXXXXXXXXXXXXXXXXX Middle School and all middle and high school site administrators. Documentation should include name and title of the person providing the training, training materials used, list of training date(s), and a list of attendees.

III. Training and Guidance on Section 504 Policies and Procedures

- 1) The District will conduct training for school site staff at XXXXXXXXXXXXXXXXXXXX Middle 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 all staff members working with students with special needs. The training will take place within 45 days of the start of the new academic year.
- 2) 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:
- a. the definition of an individual with a disability and the definition of major life activities consistent with Section 504 and the ADA; and
 - b. the District and school responsibilities generally for providing a free appropriate public education (FAPE) to students with disabilities under Section 504; and
 - c. the District's policies and procedures for behavioral interventions for special education students.

- 3) Within 30 days of conducting the training described above, the District will provide documentation to OCR verifying that the appropriate staff members have received the training. Documentation should include name and 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 District has fulfilled the terms of this Agreement in compliance with Section 504, Title II, and their implementing regulations, 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, Title II, and their implementing regulations.

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.

This Agreement is effective as of the date signed.

_____/s/_____
Dr. Aaron Haughton, Superintendent

_____08/12/2015_____
Date