

Resolution Agreement
Roseville Joint Union High School District
(Docket Number 09-15-1210)

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 Roseville Joint 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. Individual Remedies

- A. Within 60 calendar days of the date of this agreement, the District will conduct a formal investigation of the complainant's allegation of disability discrimination regarding the October XX, 2014 incident of alleged disability harassment of the Student, using District Uniform Complaint Procedures, and prepare a written report of the investigation.
- B. The written report will include:
 - 1. the findings of fact based on the evidence gathered, including contacting the Roseville Police Department and notifying it that the officer involved may have harassed the student and requesting an internal investigation;
 - 2. the conclusions of law;
 - 3. disposition of the complaint and the rationale for such disposition;
 - 4. corrective actions, if any are warranted, including training and discipline;
 - 5. notice of the complainant's right to appeal the decision to the Board of Trustees and/or the CDE; and
 - 6. procedures to be followed in initiating an appeal to the CDE.
- C. The report will also address and include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems, including the response of the Roseville Police Department to the District's request for an internal investigation.
- D. Within 60 calendar days of the date of this Agreement, the District will provide OCR for review and approval its report of investigation, including supporting documents, and its response to the allegations raised by the complainant, prior to its issuance of the response to the complainant.
- E. The District will ensure that it communicates the outcome of the complaint to the Complainant. Within 5 days of OCR's approval, the District will provide a copy of the full report to Complainant and provide OCR with documentation that it has done so.

II. Guidance on Harassment

- A. The District will draft written guidance to clarify 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, or even where a law enforcement agency is also required to respond or process a complaint;
 2. how to identify disability-based harassment, including staff-on-student harassment;
 3. a description of how law enforcement officers, District 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. Within 30 calendar days of the date of this Agreement, the District will provide OCR with a draft of the guidance described in II.A. for its review and approval.
- C. Within 15 days of OCR's approval, the District will provide OCR with documentation that it has distributed the guidance to all site administrators.

III. Monitoring

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

_____/s/_____
Superintendent or Designee

_____09/02/2015_____
Date