

## **Resolution Agreement Reached During an Investigation**

Parlier Unified School District

09-15-1388

In order to resolve the issue raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), and without admitting any violation of law, the Parlier Unified School District agrees to implement the following actions:

I. **Accommodation Request Approval:**

- a. The District acknowledges that it approves the Complainant's disability-related accommodation request that, should he be placed on the agenda with an agenda item to address the District Board of Trustees (Board) during future meetings, his agenda item(s) will be scheduled at or near the beginning of the Open Session agenda. The District will notify the Complainant in writing that it has approved this request on an ongoing basis, and that he does not need to continue to request this specific accommodation for future Board meetings.
- b. Within one month of the date this Agreement is signed, the District will provide OCR a copy of the written notice to the Complainant, and will confirm the date that it was provided to him.
- c. By December 15, 2016, the District will provide OCR the date of any Board meeting taking place after the date of this Agreement including the Complainant on the agenda, as well as a copy of the agenda and minutes of any such meeting.

II. **Documentation System:**

- a. The District will develop and implement a system to document and respond to requests for disability related accommodations, modifications, or auxiliary aids and services under Board Bylaws 9322 and 9323 , which will include the following:
  - i. If requested at least 24 hours prior to the Board meeting, notify the requester in writing prior to the Board meeting if the request is approved, denied, or if the accommodation or modification will be provided at the next Board meeting due to lack of time, and, if denied, include the basis for the denial and the opportunity to appeal to the Superintendent.
  - ii. If requested less than 24 hours prior to the Board meeting, notify the requestor in writing as soon as possible, but no later than 24 hours after the Board meeting if the request is approved, denied, or if the accommodation or modification will be provided at the next board meeting due to lack of

time, and, if denied, include the basis for the denial and the opportunity to appeal to the Superintendent.

- b. Within two months of the date this Agreement is signed, the District will provide OCR a description of its documentation system, including the individual(s) responsible for implementation. Once approved by OCR, the District will take effective steps to consistently implement this system and post information about the process for requests and responses to requests on its public website in the section related to Board meetings.

III. Monitoring

- a. 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 and is in compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, at 34 C.F.R. §104.4(b)(1)(i), (ii) and (iii); and Title II of the Americans with Disabilities Act of 1990 and its implementing regulations, at 28 C.F.R. §§35.130(b)(1)(ii) and (iii), and 35.130(b)(7), which were at issue in this case.
- b. 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 and its implementing regulations, at 34 C.F.R. §104.4(b)(1)(i), (ii) and (iii); and Title II, at 28 C.F.R. §§35.130(b)(1)(ii) and (iii), and 35.130(b)(7), which were at issue in this case.
- c. 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/\_\_\_\_\_  
Edward Lucero, Acting Superintendent

\_\_\_\_\_1/7/2016\_\_\_\_\_  
Date