

**RESOLUTION AGREEMENT  
SALINAS UNION HIGH SCHOOL DISTRICT  
OCR Case Number 09-16-1021**

Salinas Union High School District (District), without admitting to any violation of federal or state law and regulations and without making any admission of noncompliance, agrees to implement the following provisions in this Resolution Agreement (Agreement) to resolve the concerns investigated by the Office for Civil Rights, United States Department of Education (OCR), under 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), in the above-referenced complaint.

**I. NOTICE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY, COMPLIANCE COORDINATOR, AND GRIEVANCE PROCEDURE**

- A. The District will provide notice of the following to students and employees of the District Regional Occupational Programs (ROP):
1. Notice of nondiscrimination on the basis of disability that meets the requirements of 34 C.F.R. § 104.8 and 28 C.F.R. § 35.106; and
  2. Notice of the Uniform Complaint Procedures (UCP) and the name, title, office address, and telephone number of the UCP compliance coordinator for the District ROP, consistent with the requirements of 34 C.F.R. § 104.7(a) and 28 C.F.R. § 35.107(a).

**REPORTING REQUIREMENTS:**

By January 31, 2017, the District will provide to OCR for review and approval, a draft of the notice required by this section. Within 60 days of OCR approval, the District will post the notice in areas clearly visible to District ROP students and employees and on the District ROP website. By June 30, 2017, the District will provide documentation that the notice has been printed in the next edition of District ROP student registration documents.

**II. SECTION 504/TITLE II ACADEMIC ADJUSTMENTS/MODIFICATIONS**

- A. The District will develop, adopt, and implement a written process for the purpose of determining the aids, benefits, or services (collectively, “accommodations”) to be provided to adult students with disabilities in the District ROP. The written process will provide specific guidance for how adult students can request accommodations and for how the District will respond to such requests, including: (i) how and to whom adult students should initially make their requests; (ii) the name or title of the employee(s) responsible for responding to such requests and for engaging in the interactive process to determine approved accommodations; (iii) procedures for implementing the approved accommodations, including how the approved accommodations will be communicated to instructors and other staff members with responsibility for implementing them; and (iv) procedures that are available if there is a dispute about the provision of an accommodation.

**REPORTING REQUIREMENTS:**

By January 31, 2017, the District will provide to OCR for review and approval, a draft of the written process. Within 60 days of OCR approval, the District will provide documentation to OCR that the written process has been finalized, adopted, and distributed to all District ROP staff and administrators.

- B. The District will provide notice to District ROP adult students of the written process developed pursuant to Section II.A above. The notice will provide the name/title and contact information of the employee(s) to whom requests for accommodations should be made and will include a description of, or a link to, the process developed pursuant to Section II.A above.

#### REPORTING REQUIREMENTS:

By April 3, 2017, the District will provide to OCR for review and approval, a draft of the notice described in this section. Within 60 days of OCR approval, the District will provide documentation to OCR that the notice has been posted in areas clearly visible to District ROP students and on the District ROP website. By June 30, 2017, the District will provide documentation that the notice has been printed in the next edition of the District ROP adult student registration documents.

### **III. TRAINING**

- A. The District will provide mandatory training to all District ROP staff that includes the following:
  - 1. That discrimination (including harassment) of students on the basis of disability by other students, District employees, and third parties are prohibited by law and District policy, and that the District is committed to having a school environment free from all discrimination, including harassment on the basis of disability;
  - 2. Examples of the type of conduct and behavior that can constitute discrimination (including harassment) on the basis of disability;
  - 3. An employee's obligation to report incidents of discrimination (including harassment) on the basis of disability and the procedures for making such a report;
  - 4. The District's obligation to investigate all reports of disability discrimination (including harassment) under the District's Section 504/Title II grievance procedure, which is the UCP and is herein referred to as the UCP. This may include, depending on the particular circumstances, investigating complaints against third parties or off campus conduct that has an impact on campus when the District has jurisdiction to do so; and
  - 5. The District's obligation to provide accommodations to students with disabilities, a review of the process for the provision of accommodations to students with disabilities, as adopted under Section II.A, above, and the responsibility of all instructors and other staff, as needed, to implement all approved accommodations in a timely manner.

#### REPORTING REQUIREMENTS:

By January 31, 2017, the District will submit, for OCR review and approval, the name and relevant qualifications/credentials of the person(s) who will be providing the training and a copy

of the proposed training materials pursuant to this section. Upon OCR approval of the person(s) and the training materials, the training will be provided by June 30, 2017. Within 15 days of the training, the District will provide to OCR a copy of the final materials used during the training and a list (by name and title/position) of individuals who attended the training.

- B. The District will provide additional mandatory training to individuals with responsibility for implementing the UCP procedure for the District ROP. The training will include the following topics:
1. The District's obligation to provide a prompt and equitable response to complaints of disability discrimination (including harassment) and that complaints that are to be investigated include, depending on the particular circumstances, complaints against a third party and complaints of off campus conduct that has an impact on campus when the District has jurisdiction to do so;
  2. The District's UCP procedure.
  3. How to conduct and document adequate, reliable, and impartial investigations, including the appropriate legal standards to apply; and
  4. Types of corrective actions that may be needed to stop the harassment, to remedy the effects of the harassment on the student who was harassed, to prevent the harassment from recurring, and to repair the educational environment.
  5. The written letter of notification to complainants and any respondent, if applicable. Pursuant to the District's UCP policy, the letter to the complainant must include findings of fact, application of legal standards to facts, any remedies to prevent the recurrence of discrimination, remedy any harm to the complainant, and remedy the effects, and a notice of appeal rights.

#### REPORTING REQUIREMENTS:

By January 31, 2017, the District will submit, for OCR review and approval, the name and relevant qualifications/credentials of the person(s) who will be providing the training and a copy of the proposed training materials pursuant to this section. Upon OCR approval of the person(s) and the training materials, the training will be provided by June 30, 2017. Within 15 days of the training, the District will provide to OCR a copy of the final materials used during the training and a list (by name and title/position) of individuals who attended the training.

#### **IV. INDIVIDUAL REMEDY: THE COMPLAINANT**

- A. The District will provide the complainant with the following:
1. A letter describing the District's findings with respect to each of the issues raised in her internal complaint of discrimination, including as to whether disability discrimination or harassment had occurred, the actions the District took in response to her internal complaint, and the actions the District will take pursuant to this Agreement. The letter will also state that, if the complainant desires, a District-employed licensed counselor will provide individual counseling at no cost to the complainant and that a counseling plan, including the number, frequency, and duration of the counseling sessions, will be developed by the counselor after the first meeting. The letter will inform the complainant

that she will have six months from the date of the District's letter to meet with the District-employed licensed counselor and to complete all counseling sessions.

2. A letter of recommendation from the District ROP Director or the District Assistant Superintendent of Human Resources relevant to her successful completion of the physical therapy aide certificate program.

**REPORTING REQUIREMENTS:**

By January 31, 2017, the District will provide OCR with documentation that the letters required by this section have been issued to the complainant. If the complainant expresses an interest in receiving counseling and meets with a District-employed licensed counselor, the counselor will provide to the complainant and OCR a copy of the counseling plan within 15 days of the meeting.

**Board Approval Required:**

This Agreement is contingent upon approval by the District's Governing Board.

**General Provisions:**

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 of 1990 and their implementing regulations, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the statutes and regulations at issue in this matter.

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/\_\_\_\_\_  
Randy Bangs  
Assistant Superintendent of Human Resources  
Salinas Union High School District

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10/18/2016  
Date