

Resolution Agreement
Benicia Unified School District
OCR Case Number 09-16-1039

To resolve the violation identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above referenced complaint filed 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), the Benicia Unified School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement (Agreement).

I. Reimbursement of Parents for Chemistry Tutoring Services

The District will reimburse the Parents for out-of- pocket costs incurred in obtaining tutoring services for the Student for the Student’s Chemistry Class in the 2014-2015 school year within one week of receiving receipts showing payment for tutoring services from the Complainant.

II. Reporting

The District will provide documentation to OCR showing the costs determined and paid to the Parents for tutoring services within either a week of payment or by September 1, 2016, whichever is sooner.

III. Monitoring and Enforcement

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement.

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 Title II and their implementing regulations, 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____

_____/05/16/2016_____

Superintendent
Benicia Unified School District

Date