

Resolution Agreement
Clovis Unified School District
OCR Case Number 09-16-1129

To resolve the concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the above referenced complaint filed by the complainant on behalf of her child (Student) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act as amended (Title II), and Title VI of the Civil Rights Act of 1964, the Clovis Unified School District (District), without admitting to any violation of law, agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Placement and Services Team Meeting

In the event that the Student returns to the District, within 30 days of his re-enrollment, after providing proper written notice to and obtaining consent from the Student's parent/guardian and completing appropriate evaluations, the District will convene a Section 504 team meeting, which is to be attended by a group 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 ensure that the Student's potential disabilities are fully and correctly identified, that the Student's Section 504 plan provides a placement and services that are adequate to meet all of the Student's individual disability-related needs, and to develop a plan to ensure that the Student has full access to the school lunchroom. If the Student has not returned to the district within 90 days of the date this Agreement is signed, this provision and all subsequent related provisions will be satisfied for the purposes of this Agreement.

II. Response to Disability Discrimination Complaint

Within 60 days of the date this Agreement is signed, the District will provide a response to complainant's October 2015 complaint in accordance with the District's Uniform Complaint Procedure (UCP) for resolving complaints of disability discrimination. The response will contain all necessary language and notice of the UCP, as well as rights to appeal.

III. Written Guidance and Training.

Within 90 days of the date this Agreement is signed, the District will issue written guidance and facilitate training for school site staff 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, including lunchroom monitors.

IV. Reporting Requirements

- (a) Within two weeks of the appropriate placement team meeting, the District will submit to OCR a copy of the Section 504 Plan and any documents supporting the group's decision. The documentation submitted shall show the participants in the meeting,

the information considered and an explanation for the decisions made. OCR will review the documentation to ensure that the District met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations and will provide guidance if any is needed.

- (b) Within 5 days of the resolution of the complaint described in Section II, the District will provide OCR with a copy of the resolution letter and the District will provide OCR with documentation that it was sent to Complainant.
- (c) Within 30 days of the date this Agreement is signed, the District will provide a draft of the guidance documents and proposed training materials described in Section III to OCR for review and approval. The District will issue the guidance and provide the training within 30 days of OCR's approval. Within 30 days of issuing the guidance documents and conducting the training, the District will provide documentation, (e.g. a sign-in sheet or other evidence), showing training attendance by name and title of attendees, along with a copy of the materials distributed at the training and the name and title of the trainer(s).

V. Monitoring

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 the regulations implementing Section 504 and Title II with respect to the issues 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 and Title II, 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.

04/06/2016
Date

/s/
Janet L. Young, Ed.D.
Superintendent
Clovis Unified School District