

**Agreement to Resolve
Clovis Unified School District
OCR Case No. 09-16-1527**

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 Clovis Unified 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).

- A. Investigative Report; Investigation. The District will conduct an investigation into the allegations made by the Complainant that the Student was subject to a disability-based harassment by the Student's Teacher, and will draft a written response to the Complainant. The District's investigation will include, among other things, interviewing relevant witnesses, and considering whether other similar or related complaints have been filed against the Teacher. The written response will memorialize the Complainant's allegations, the steps the District took to investigate them, the District's factual findings, and the District's conclusions as to each allegation. The District will provide its investigative report and draft of its response to OCR for review and approval.

By January 13, 2017, the District will provide OCR for review and approval a copy of the investigative report, a copy of the witness interview notes, and its final written response (which will include the appeal rights it will provide to the Complainant). If OCR notifies the District that additional investigation is required, the District will complete that investigation, revise the report and written response, and provide the revised report and written response to OCR within 20 working days of notice. Within 5 working days of OCR's approval of the report and written response, the District will issue the written response to the Complainant. If the District determines remedial action is required, the District will report to OCR on implementation of the remedial action by the last day of each semester until the actions are complete.

- B. Section 504 Meeting. The District will convene a Section 504 meeting to determine whether revisions to the Section 504 plan are necessary, and whether the Student needs compensatory and/or remedial services to address the alleged harassment the Student experienced. If the Section 504 team determines that compensatory services are needed, within two weeks of its determination, the group will develop a plan for providing the compensatory and/or remedial services the Section 504 team determines are appropriate. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

By March 30, 2017, the District will provide OCR with meeting notes from the Section 504 team meeting, a copy of the procedural safeguards notice provided to the Complainant, and a copy of the Student's Section 504 Plan. The District will also provide for OCR approval, the District's decision regarding whether compensatory and/or remedial services will be provided, a description of those services, the information considered, and a schedule for

providing any compensatory and/or remedial services (if any) to the Student. If the Section 504 team determines that compensatory services are necessary, then the District will provide OCR with evidence that it has provided the services within two weeks of the end of each semester in which they are provided until the services are fully provided.

- C. Administrator Investigative Training. District will provide training by a person with appropriate expertise to District and school-site level administrators and others with responsibility for investigating and responding to allegations of disability-based discrimination. The instruction will cover, for example, what constitutes disability-based different treatment, harassment, and retaliation, and the obligation to respond to notice of such conduct, including how to identify complaints, conduct thorough investigations, evaluate evidence, reach conclusions, and implement remedies. OCR is available to provide this training at no cost upon request.

By March 30, 2017, the District will provide a written description of the proposed trainings, including the names and qualifications of the proposed trainers, to OCR for review and approval. By March 30, 2017, the District will confirm to OCR that it provided the trainings, including a sign-up sheet or other evidence of attendance by name.

- D. Written Guidance Memorandum and Harassment Training. The District will issue a written guidance memorandum and provide training by a person with appropriate expertise to District and XXX XXXX Elementary School (School) administrators, faculty, and staff on the District's harassment policies and procedures. The written guidance memorandum and training will, at minimum, include the following components:

1. a statement setting forth the District's commitment to a harassment-free environment;
2. a general overview of Title II and Section 504, including how the laws' nondiscrimination provisions apply to students;
3. an explanation of the District's Title II and Section 504 policies and procedures, including what constitutes disability-based harassment, corrective or disciplinary actions related to findings of violations of the District's harassment policies and procedures; and the District's policy prohibiting retaliation and intimidation;
4. an explanation of what staff should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment; and
5. the names and contact information for the designated employee(s) to whom students or others may report allegations of harassment.

By March 30, 2017, the District will provide a written guidance memorandum and a written description of the proposed trainings, including the names and qualifications of the proposed trainers, to OCR for review and approval. By March 30, 2017, the District will confirm to OCR that it provided the trainings, including a sign-up sheet or other evidence of attendance by name. Within 20 days of OCR's approval of the written guidance, the District will issue the written guidance memorandum to District and School administrators, faculty, and staff.

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 also 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.

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.

CLOVIS UNIFIED SCHOOL DISTRICT

By: _____/s/_____
Janet Young, Ed.D., Superintendent

Date: 11/15/2016