

Resolution Agreement
Acalanes Union High School District
OCR Case No. 09-16-1557

In order to resolve the compliance concerns raised in the investigation of the above-referenced complaint by 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, as amended (Title II), the Acalanes Union High School District (District), agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Written Memo

The District will issue a written memo to all relevant staff at XXX XXXXX High School, including site administrators, nurses, counselors, and general education teachers, concerning the School's responsibility to respond to a request for evaluation under Section 504. The guidance will clarify that if a parents requests evaluation, or requests a Section 504 plan, the School must respond consistent with 34 C.F.R. § 104.35(a), by convening a Section 504 meeting to discuss the request and determine next steps, including gathering relevant information, evaluating the student, developing accommodations for a Section 504 plan and/or providing the parent with notice of procedural safeguards.

II. Monitoring and Reporting

By June 15, 2017, the District will provide a draft of the memo under Section I for OCR review and approval. Within 30 days of OCR approval, the District will ensure that the School has distributed the memo to all relevant staff and provide documentation to OCR regarding the same.

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 Section 504 and Title II and the implementing regulations, which were at issue 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 and the 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 shall give the District written notice of the alleged breach and sixty (60) days to cure the alleged breach.

_____/s/_____

John Nickerson

Superintendent, Acalanes Union High School District

_____05/08/2017_____

Date