

Resolution Agreement
Kings Canyon Joint Unified School District
OCR Case No. 09-16-1585

The Kings Canyon Joint Unified School District agrees to implement this Agreement to resolve the issues opened for investigation by the U.S. Department of Education, Office for Civil Rights (“OCR”), under Section 504 of the Rehabilitation Act of 1975 and Title II of the Americans with Disabilities Act (“ADA”) in the above-referenced OCR complaint.

A. Revision to the District’s Eighth Grade Promotion Policy

- a. By March 30, 2017, the District will revise Administrative Regulation (AR) 5127 to provide that eighth grade promotion standards for any student with a Section 504 Plan or an Individualized Educational Plan (IEP) will be determined by the student’s 504/IEP team and included in their Plan or IEP.
- b. By August 30, 2017, the District will revise its publications that refer to AR 5127, including the Student-Parent Handbook at the District’s middle schools, to reflect the revisions to the eighth grade promotion ceremony policy.
- c. Reporting Requirements
 - i. By April 15, 2017, the District will provide OCR the revisions to AR 5127 identified in paragraph A.a. for OCR’s review and approval.
 - ii. By September 15, 2017, the District will provide OCR the final version of its Student-Parent Handbook for the 2017-2018 school year.

B. Training

- a. By May 1, 2017, the District will provide training for District administrators who oversee the District’s responsibilities under Section 504 and IDEA, and the following staff at all its middle schools: site administrators (i.e., Principals and Learning Directors), special education teachers, school psychologists, and counselors who work with students with special needs. At the District’s request, OCR may provide training at no cost. The training will cover the following:
 - i. A review of the District’s responsibilities under Section 504 and Title II of the ADA, including:
 1. That no qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity.

2. Providing a free appropriate public education (FAPE) to all District students with disabilities. (An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met.)
 3. Conducting an evaluation of any student who needs or is believed to need special education or related aids and services because of disability before taking any action with respect to the student's initial placement and before any subsequent significant change in placement. In this regard, the District must ensure that all students who may have a disability and need services under Section 504, are located, identified, and evaluated for special education and disability-related services in a timely manner.
 4. Ensuring that placement decisions (i.e., decisions about whether any special education services will be provided to the student and, if so, what those services are) must be made by a group of persons knowledgeable about the student, the evaluation data, and the placement options, must be based on information from a variety of sources, with information from all sources being carefully considered and documented.
 5. Establishing procedures for the periodic reevaluation of students who have been provided special education and/or related services.
- ii. A review of the District's revision to AR 5127 regarding the eighth grade promotion ceremony requirements.

b. Reporting Requirements

- i. By June 1, 2017, the District will submit to OCR documentation confirming the dates, times and names of individuals who received the training. The documentation shall include a copy of the training and/or materials used in the training.

C. Individual Remedy

- a. By March 30, 2017, after providing proper written notice to the Student's parent, a group of knowledgeable persons, including the parent, (e.g., the Student's IEP team) will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services from January XX, 2016 to June X, 2016 (i.e., the date the IEP Team determined the Student was not eligible for an IEP to the date he was determined to be eligible for an IEP). If so, within one week of its

determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 8, 2018. At the meeting, the team will also discuss the current academic support and intervention needs of the Student. The District will provide the Student's parent notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

b. Reporting Requirements

- i. Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, 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, and, as applicable, Title II, at 28 C.F.R. 35.160, in making these determinations.
- ii. By June 30, 2018, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

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 the statutes and regulations implementing Section 504 and Title II, 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 Section 504, Title II, and their implementing regulations.

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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.

KINGS CANYON JOINT UNIFIED SCHOOL DISTRICT

By: _____/s/_____

Date: 01/31/2017

Juan Garza

Superintendent

Kings Canyon Joint Unified School District