

**Resolution Agreement
Metropolitan Education District
East Side Union High School District
OCR Case Numbers
09-16-1338 and 09-16-1977**

In order to resolve the deficiencies identified in the investigation of the above-referenced complaints filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 as amended, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35 (Title II), Metropolitan Education District (MetroED) and East Side Union High School District (ESUHSD) agree to take the actions outlined in this Resolution Agreement (Agreement). This Agreement will provide the coordination of MetroED and ESUHSD procedures related to students with disabilities as MetroED provides career and technical education programs at its Silicon Valley Career and Technical Education Center (SVCTE Programs) for ESUHSD students.

A. MetroED Program Event Accommodation Procedures and Guidance Memorandum

1. MetroED and ESUHSD will each develop procedures for their district to provide students with disabilities with the accommodations they need to participate equally in MetroED-sponsored SVCTE Program events that take place outside of the SVCTE Program classroom or internship site, as applicable. The procedures will include the following:
 - a. Notice to students with disabilities enrolled in a SVCTE Program and their parents of the availability of accommodations during MetroED-sponsored events that take place outside the classroom or internship site (e.g. field trips, academic competitions, etc.), and the identity of the individual at the SVCTE site to whom requests for accommodations should be addressed.
 - b. A timely process to identify if any accommodation(s) are needed to ensure the student is able to participate equally in the SVCTE Program event. Prior to denying any request for accommodations, a meeting will first be convened which will include the student and parent, a MetroED or SVCTE administrator with knowledge of the SVCTE Program which the ESUHSD student is attending, and the ESUHSD school administrator responsible for monitoring implementation of the student's Individualized Education Program (IEP) or Section 504 plan to determine appropriate accommodations so that the student is able to participate equally in the SVCTE Program event, unless SVCTE believes the accommodations needed would fundamentally alter the nature of the SVCTE Program event. In the event that SVCTE believes that requested accommodations

would fundamentally alter the nature of the SVCTE Program event, SVCTE will engage in an interactive process with the student and his/her parent or guardian to identify whether an alternative accommodation could be provided. However, SVCTE is not required to provide any accommodations that will fundamentally alter the nature of the program

- c. Identification, by title, of the individual responsible for informing appropriate SVCTE staff of the approved accommodations and for ensuring that they are provided.
2. MetroED and ESUHSD will each draft a guidance memorandum describing the procedures approved in A.1.

B. Publication and Distribution of Procedures and Memorandum

1. Within 20 days of OCR's approval, MetroED and ESUHSD shall each adopt, publish and distribute the approved procedures described in Section A.1. above as follows:
 - a. Notify staff, administrators, and parents and guardians of ESUHSD and SVCTE students with disabilities of their respective procedures described in Section A.1, including a copy of the procedures, where the procedures are found in school policy and where the procedures are found on the school website.
 - b. Include the procedures on their respective websites so that they are easily accessible to parents and guardians.
2. Within 10 days of OCR's approval of the draft guidance memorandum in Section A.2, MetroED and ESUHSD shall distribute their approved guidance memorandums describing these procedures to their respective MetroED and ESUHSD administrators responsible for monitoring implementation of students' IEPs or Section 504 plans.

C. Training

1. Within thirty (30) days, not including the summer break between MetroED's and ESUHSD's regular academic school years, of adopting the policies and procedures developed pursuant to Section A.1. above, MetroED and ESUHSD will provide training on the procedures to their respective administrators responsible for monitoring implementation of students' IEPs or Section 504 plans.

D. Monitoring and Reporting

1. By June 16, 2017, MetroED and ESUHSD will submit to OCR for review and approval a draft of the procedures described in Section A.1. above.
2. Within 25 days of MetroED and ESUHSD adopting the OCR approved procedures, MetroED and ESUHSD shall provide to OCR the following:
 - a. A copy of the notification of the procedures provided to parents, guardians, staff and administrators as described in Section B.1.a., above.
 - b. A copy of the ESUHSD and MetroED policies including the new procedure.
 - c. The website locations where the procedure has been placed.
3. Within 10 days of OCR approving the procedures, MetroED and ESUHSD shall provide OCR with a draft of the guidance memorandum for OCR review and approval described in Sections A.2 and B.2.
4. Within 15 days of OCR approving the guidance memorandum, MetroED and ESUHSD shall provide OCR with documentary evidence that the guidance memorandum was distributed as specified in Section B.2.
5. Within 10 days of conducting the training described in Section C.1, MetroED and ESUHSD will provide to OCR documentary evidence of the training, including a training outline, and sign-in sheets of attendees.

MetroED and ESUHSD understand that by signing this Agreement, they agree to provide data and other information in a timely manner. Further, MetroED and ESUHSD understand that during the monitoring of this Agreement, OCR may visit MetroED and ESUHSD to interview staff and students as well as request such additional reports or data as are necessary for OCR to determine whether MetroED and ESUHSD have fulfilled the terms of this Agreement and are in compliance with the statute(s) and regulations implementing Section 504 at 34 C.F.R. §§104.4(a) and 104.37 and Title II, at 28 C.F.R. §§35.149 – 35.151, which were at issue in this matter.

MetroED and ESUHSD understand that OCR will not close the monitoring of this Agreement until such time that OCR determines that MetroED and ESUHSD have fulfilled the terms of this Agreement and are in compliance with the statutes and regulations at issue in the matter.

MetroED and ESUHSD understand and acknowledge 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 MetroED and ESUHSD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

MetroED and ESUHSD are each separately bound by and solely responsible to carry out their respective obligations of this Agreement. The failure of either MetroED or ESUHSD to sign, or approve of or ratify this Agreement, or to fulfill the terms of this Agreement, will not impact the obligations of the other entity as set forth in this Agreement, or prevent OCR from closing the monitoring of this Agreement as to the other entity.

_____/s/_____
Alyssa Lynch
Superintendent, Metropolitan Education District

06/15/2017

Date

_____/s/_____
Glenn Vander Zee
Associate Superintendent of Educational Services,
East Side Union High School District

06/19/2017

Date