

Resolution Agreement
West Contra Costa Unified District
OCR Case No. 09-17-1266

In order to resolve the compliance concerns raised made by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed by the Complainant on behalf of the Student who attended a high school in the District (School) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act (Title II), and their implementing regulation, the West Contra Costa Unified School District (District), without admitting any violation of federal law, agrees to take the actions in this Resolution Agreement (Agreement).

I. Written Guidance and Training

- A. The District will provide written guidance and training to all School staff who are involved in the Section 504 process and/or in drafting health plans for students regarding the District's obligations under Section 504, Title II, and their implementing regulation, including access to on-campus parking for students as an accommodation for disability. The training must cover the District's obligations to provide equal access, as well as its obligation to provide to students with disabilities a free, appropriate public education (FAPE), including its obligation to identify students with suspected disabilities, and when the School should initiate the 504 process upon learning that a student has a temporary impairment that results in a substantial limitation of one or more major life activities for an extended period of time. The training also must cover how to effectively document, implement, and monitor the accommodations, services, supports, and aids provided to students with disabilities in their 504 plans.
- B. The District will provide OCR a report summarizing its response to the Complainant's "Complaint Concerning School Personnel," dated December X, 2017, and two District Complaints, dated March XX, 2018. Upon completion of its review, OCR will provide the District technical assistance, if appropriate, and, within five (5) working days, the District will issue a written notice of outcome to the Complainant consistent with its applicable grievance procedures.

II. Monitoring and Reporting.

1. Within 60 days of this Agreement, the District will submit to OCR for review and approval a draft of the guidance memorandum on the District's obligations under Section 504, Title II, and their implementing regulations, as described above in Section I.(A.). The District will finalize the guidance memorandum within 30 days of receiving OCR's comments and provide OCR documentation showing that the guidance memorandum has been distributed to all School staff who are involved in the Section 504 process and/or in drafting health plans for students.
2. Within 20 days of finalizing the guidance memorandum, the District will provide to OCR for review and approval draft training materials and the qualifications of the individuals providing the training required above in Section I.(A.). Within 30 days of

OCR's approval, the District will notify OCR of the date of the training. The date of the training shall not be more than 45 days after the date of approval.

3. Within 10 days after the training date, the District will provide OCR with documentation that it has provided training, as required above in Section I.(A.). The documentation will include the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of District employees who attended the training.
4. Within 60 days of this Agreement, the District will provide OCR a copy of the report described above in in Section I.(B.). Within five (5) working days of receiving notice that OCR has completed its review of the report, the District will issue written notice of the outcome to the Complainant.

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, 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. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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/_____

Superintendent or District Representative

____06/28/2018____

Date