The Calaveras Unified School District ("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. <u>Guidance and Training for District Staff Regarding Section 504 Responsibilities</u>

1. By July 31, 2017, the District will ensure that required information regarding its Section 504 Compliance Coordinator are posted, in publications and on its website, and made available as required by law.

2. The District will draft a memorandum for all District and school site staff notifying them of the District's Section 504 policies and procedures, and providing a summary of the impact of such the policies on staff duties and responsibilities. The memorandum will be written at a level appropriate for staff without a legal or policy background. OCR will provide its edits (or its approval) to the memorandum to the District.

   a. The memorandum will include an explanation of the difference between "Individual Health Plans" ("IHPs") and "Section 504 Plans," and explain that the District is obligated to respond to any Section 504 referral for a student, after a review of the student's school records (including those in academic and nonacademic areas of the school program), consultation with the student's teacher(s), other professionals, and the parent/guardian, and analysis of the student's needs. If it is determined than an evaluation is unnecessary, the 504 Coordinator shall inform the parents/guardians in writing of this decision and of the Procedural Safeguards.

3. The District will conduct in-service training on the Section 504 requirements and the District's Section 504 policies and procedures (Board Policy 6164.4 and Administrative Regulation 6164.6) for District administrators, including school site administrators, the district nurse, and the special education director. The training will cover an explanation of the following:

   a. The District's responsibilities for providing a free appropriate public education (FAPE) to students with disabilities under Section 504;

   b. The District's Section 504 policies and procedures, for the identification, evaluation and placement process, and procedural safeguards for parents;

   c. The definition of an individual with a disability and the definition of major life activities consistent with Section 504 and Americans with Disabilities Amendments Act of 2008 (Amendments Act) including an explanation of hidden disabilities,

      including emotional impairments, that may also cause a student to need special education or related services;

    d. The District's specific responsibility for conducting an evaluation of a student under Section 504 if it believes or has reason to believe that the student needs or may need special education or related services due to a disability; the academic and behavioral indicators for determining when such an evaluation is needed, and examples, pertaining to both physical and emotional/psychological disabilities, of circumstances where evaluation may be needed; and

    e. The full range of services that can be provided under Section 504 including special education and related aids and services.

4. After the in-service training described in Paragraph 3, the District will ensure that the school site administrators and special education director provide training to their staffs, including, all school site teachers, school psychologists, counselors, and any other staff members who work with students with special needs.

5. <u>Reporting Requirements</u>

    a. By July 28, 2017, the District will provide OCR with documentation of the steps it has taken to meet the requirements Paragraph A.1.

    b. By July 28, 2017, the District will provide a draft of the memorandum described in Paragraph A.2. to OCR for its review and approval.

    c. Within two weeks of OCR's approval of the memorandum, the District will distribute it to all District and school site personnel.

    d. Within one week of the District's distribution of the guidance, the District will provide OCR with evidence sufficient to demonstrate that the guidance has been distributed in accordance with this agreement.

    e. By August 4, 2017, the District will provide information (e.g., PowerPoint, handouts, etc.) concerning the in-service training described in Paragraphs A.3. to OCR for its review and approval. The information will include the names and qualifications of the proposed trainers.

    f. By September 29, 2017, the District will confirm to OCR that it provided the training described in Paragraphs A.3 and A.4., including documentation confirming the dates, times and names of individuals who received the training.

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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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) calendar days to cure the alleged breach.

CALAVERAS UNIFIED SCHOOL DISTRICT

By:_____/s/_____   Date: ____07/18/2017_____
    Mark Campbell
    Superintendent
    Calaveras Unified School District