

**Resolution Agreement
Madera Unified School District
Case No. 09-17-1328**

The Madera Unified School District, without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the violation and compliance concern identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disability Act, and their implementing regulations in the above-referenced OCR case number.

I. Timely Referral, Evaluation, Identification, and Placement of Students with Disabilities

A. Revise Website

1. The District will revise its website so that the page for the Department of Special Services does not state that schools are required to offer interventions through a Student Study Team (SST) or Response to Intervention (RTI) before referring a student for an evaluation under Section 504 or the Individuals with Disabilities Education Act (IDEA). The information on the website will be consistent with Section 504 regulation 34 C.F.R. § 104.35(a), which requires school districts to conduct an evaluation of any student who needs or is believed to need special education or related aids and services because of a disability before taking any action with respect to the student's initial placement and before any subsequent significant change in placement. In this regard, school districts must ensure that all students who may have a disability and need services under Section 504 or IDEA are located, identified, and evaluated for special education and disability-related services.
2. By December 30, 2019, the District will submit a draft of the revision that it will make to its webpage to OCR for review and approval. Within 30 days of receiving OCR's approval, the District will revise its website and notify OCR by email that the changes to the website have been made.

B. Staff Training

1. The District will hold a training for its site administrators, school psychologists, program specialists, and other relevant staff at XXXX XXXX Elementary School (School) on the requirements of 34 C.F.R. 34 C.F.R. § 104.35(a). The training will also specify that the SST and RTI process cannot delay or deny a timely evaluation of a student suspected of having a disability.
2. This training will be held by February 1, 2020. Within 15 days of holding the training, the District will provide OCR with a copy of the sign-in sheets with the names and titles of each staff member who participated.

II. Logs of Students Removed from Class for Disability Related Behaviors

- A. The School will record in the Student Information System the date and how long a student is removed from their class for disability related behaviors, excluding circumstances when staff are implementing a student's IEP and/or behavior intervention plan.
- B. By December 30, 2019, the District will send OCR a description of the information that will be recorded and the staff person who will be responsible for maintaining the record. Once OCR approves this recording process, the School will begin maintaining the logs as needed.

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 the Agreement. Further, the District understands that during the monitoring of the 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 and obligations of the 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 proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Kent Albertson, Chief Human Resource Officer
Madera Unified School District

11/26/2019