

**Resolution Agreement  
Kern High School District  
OCR Case No. 09-18-1541**

In order to resolve the issues raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), Kern High School District (District), agrees to take the actions outlined in this Resolution Agreement (Agreement).

The District agrees to take the following steps:

**I. Guidance Memorandum**

- A. The District will develop written guidance for District staff in the Office of the Superintendent, Educational Services and Innovative Programs, and Human Resources division, as well as all School<sup>1</sup> staff and administrators, regarding the process for responding to allegations of discrimination made by District employees, including those referred to the District's Career Resource Department (CRD) and employed by agencies with which the District has an agreement or Memorandum of Understanding.

**Reporting Requirements**

- B. By April 1, 2019, the District will provide a draft of the written guidance described in Section I.A. for OCR review and approval. Within thirty days of the date of OCR approval, the District will finalize and circulate the guidance via e-mail to all District staff as outlined in Section I.A.

**II. Policies and Procedures**

- A. The District will revise its Employment Program Training Agreement (EPT Agreement) with the employer at issue in this complaint (Employer)<sup>2</sup> to include language that prohibits discrimination against District employees by the Employer in its programs and activities.
- B. The District will revise the *Special Programs* page of the School's website to affirm its commitment to a non-discriminatory environment for all individuals with disabilities.

**Reporting Requirements**

- C. By April 1, 2019, the District will send its revised EPT Agreement to OCR for review and approval.
- D. By April 1, 2019, the District will provide a draft of its revisions pursuant to Section II.B to OCR for review and approval. Within 30 days of the date of OCR's approval, the District will revise and update the School's *Special Programs* page accordingly and send the link to OCR.
- E. Within thirty days of the date of OCR's approval, the District will finalize the EPT Agreement and circulate it to the Employer as well as to all School administrators and staff in the District's CRD, along with the name and contact information of a District staff member whom the Employer may contact with any questions or requests for clarification.

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<sup>1</sup> OCR previously identified the name of the School to the District.

<sup>2</sup> OCR previously identified the name of the Employer to the District.

### **III. Individual Remedies**

- A. By March 4, 2019, the District will contact the complainant via e-mail to begin an investigation of the allegations of disability discrimination that she raised via e-mail on May XX, 2018 and to set-up an in-person interview. In its e-mail, the District will also offer to schedule an in-person meeting with the complainant to refer her to CRD and begin the process of identifying and securing a new placement for her. In doing so, it will consider the complainant's interests and preferences with respect to a new placement and endeavor to honor them. In addition, it will discuss the complainant's interest in returning to work for the Employer.
- B. If the complainant accepts the District's offer for an in-person meeting, the District will schedule the meeting within ten days of the date of the complainant's acceptance.
- C. At the meeting, should the complainant express interest in returning to work for the Employer, the District will assess the feasibility of such a return and notify the complainant of the outcome of its assessment within fifteen days of the date of the meeting.
- D. By May 1, 2019, the District will complete its investigation pursuant to Section III.A. and notify the complainant in writing of its findings, along with a copy of its procedural safeguards.
- E. By April 1, 2019, the District will reimburse the complainant for the 166 remaining program hours with the Employer.

#### **Reporting Requirements**

- F. By April 15, 2019, the District will provide OCR a detailed summary, or a copy of the meeting minutes, if taken, of what transpired at the meeting described in Section III.A. The District will also provide OCR a copy of any documents reviewed or generated at the meeting, including any forms filled out by the complainant.
- G. By April 15, 2019, if the complainant expressed interest in returning to work for the Employer, the District will inform OCR of the steps it took to assess the feasibility of such a return and the outcome of the assessment. The District will also provide a copy of its communication to the complainant in Section III.C.
- H. By May 6, 2019, the District will provide OCR a copy of the letter of findings issued to the complainant pursuant to Section III.D.
- I. By April 15, 2019, the District will provide written confirmation to OCR of its reimbursement to the complainant as outlined in Section III.E.

### **IV. Monitoring**

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 with the regulations implementing Section 504 and Title II at

34 C.F.R. Part 104 and 28 C.F.R. Part 35, 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.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent  
Kern High School District

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02/13/2019  
Date