

Resolution Agreement
Mountain View Whisman School District
OCR Case No. 09-19-1165

In order to resolve the concerns identified with respect to the above-referenced complaint to 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, as amended (Title II), the Mountain View Whisman School District (District) agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Evaluation of Students with Mental Health Concerns

- A. The District will provide training to all site administrators at XXXXXXXXXXXX XXXXXXXXXXXX School concerning the X---content redacted---X.
- B. The District will issue a written guidance memorandum regarding the obligations described in XXXXXXXXXXXX to all XXXXXXXXXXXX XXXXXXXXXXXX staff responsible for carrying out the obligations described in that procedure.
- C. For incidents occurring during the 2019-2020 school year, the District will provide OCR with a copy of all written documentation produced at XXXXXXXXXXXX XXXXXXXXXXXX School pursuant to the provision X---content redacted---X.

II. Investigations of Allegations of Disability Harassment

- A. The District will provide training regarding disability complaint and investigation procedures to all XXXXXXXXXXXX XXXXXXXX School staff, as well as District Special Education Department and Human Relations Office staff responsible for responding to complaints of discrimination, harassment, intimidation, or bullying on the basis of disability. The training will include direction regarding the provision in the District's Administrative Regulation 5145.3 that when any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the District's Uniform Complaint Procedures.
- B. The District will provide to OCR documentation of all complaints or other reports of harassment based on disability towards any student at XXXXXXXX XXXXXXXXXXXX School during the 2019-2020 school year, including the School or District's response to the complaint or report.

III. Monitoring and Reporting

- A. By January 31, 2020, the District will provide a draft of the proposed training materials described in Section I.A to OCR for OCR's review and approval. By October 30, 2019, the District will provide a draft of the written guidance described in Section I.B. to

- OCR for OCR's review and approval. After OCR review and approval of the written guidance and training materials, the District will issue the written guidance and provide the training within 60 days of receiving COR's approval. Within 30 days of issuing the written guidance and conducting the training, the District will provide documentation to OCR showing how and when the written guidance was distributed, training attendance by name and title of attendees (e.g., a sign-in sheet or other evidence), a list of any required staff that have not yet been trained, a copy of the materials distributed at the training, the name and title of the trainer(s), and the date of the training.
- B. By June 30, 2020, the District will provide OCR with the documentation described in Section I.C, including a copy or description of each such complaint or report, any documents gathered by the District in the investigation of the complaint or report, and a copy of the District's response to the complaint or report.
 - C. By January 31, 2020, the District will provide a draft of the proposed training materials described in Section II.A to OCR for OCR's review and approval. After OCR review and approval of the training materials, the District will provide the training within 60 days of receiving OCR's approval. Within 30 days of conducting the training, the District will provide documentation to OCR (e.g., a sign-in sheet or other evidence) showing training attendance by name and title of attendees, a list of any required staff that have not yet been trained, a copy of the materials distributed at the training, the name and title of the trainer(s), and the date of the training.
 - D. By June 30, 2020, the District will provide OCR with copies of the documentation described in Section II.B, including a copy or description of the complaint or report, any documents gathered by the District in the investigation of the report, and a copy of the District's response to the complaint or report.

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 Section 504 and Title II and their implementing regulations, 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/_____

_____10/10/2019_____

Carmen Ghysels
Chief Human Relations Officer
Mountain View Whisman School District

Date