

Calaveras Unified School District  
Resolution Agreement  
OCR No. 09-20-1152

The Calaveras Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the violations identified by the U.S. Department of Education (Department), 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 by the Americans with Disabilities Act Amendments Act of 2008 (Title II or ADA), and their implementing regulations in the above-referenced OCR case number.

**I. Revision of Service Animal Policy**

- A. By April 1, 2021, the District will rescind its current Board Policy (BP) 6163.2 and Administrative Regulation (AR) 6163.2, 6163.2(b)-(e) and replace it by adopting and implementing the attached BP and AR 6163.2.
- B. Within sixty (60) days of the Board's adoption and implementation of BP and AR 6163.2 as required by paragraph (I)(A), the District will publish it on its website where all board policies and administrative regulations are found.

**Reporting Requirement**

- C. Within ten (10) business days of adopting and implementing BP and AR 6163.2 as required by paragraph (I)(A), the District will provide to OCR verification of the adoption and implementation including a copy of the Board agenda and minutes showing adoption and implementation.
- D. Within ten (10) business days of publishing BP and AR 6163.2 as required by paragraph (I)(B), the District will provide to OCR verification of the publication including the uniform record locator (URL) at which it may be found.

**II. Guidance Memorandum**

- A. Within sixty (60) calendar days of the Board's adoption of the revised Board Policy and Administrative Regulation, the District will create for OCR's review and approval, a memorandum that provides guidance and information about the use of service animals. The memorandum will be distributed to all District employees. The memorandum will, at a minimum, include information related to:
  - The District's revision of its service animal Board Policy and Administrative Regulations;
  - The nature of the revisions;
  - The ability of an individual with a disability to use a service animal without first making a request to use it;

- The permissible inquiries that can be made of a service animal user and the prohibition against various additional requests, observation opportunities, and testing of the animal's ability;
  - Considerations and issues that are improper when an individual with a disability is using a service animal;
  - the ability of a service animal user to access all areas of the District that any other individual is able to access;
  - The inapplicability of Individuals with Disabilities in Education Act (IDEA) or Section 504 to a student's use of a service animal and the prohibition of limiting a student's use of a service animal to the approval of the student's IEP team or Section 504 team;
  - The only reasons/means that a service animal can be excluded from the District's facilities, programs, or activities;
  - The prohibition against harassing users of service animals and the types of actions that may constitute prohibited harassment;
  - The District's obligations under Section 504 and Title II when it receives a report of alleged harassment of a student based upon the student's disability;
  - The responsibilities of staff members and administrators upon receipt of either an oral or written complaint of alleged harassment and the steps that are required to be taken in order for it to be properly received and formally investigated; and
  - The District's internal policies that are established to investigate and resolve complaints of disability harassment and will detail the steps through use of an example complaint.
- B. Within fifteen (15) business days of OCR's approval of the memorandum required by the previous paragraph, the District will disseminate the memorandum in accordance with paragraph (II)(A) above. Dissemination may be done through electronic means (e-mail), placement in internal mail boxes/in boxes, mailing through the U.S. Postal Service, or any combination of these methods that is designed to reach the maximum number of recipients possible.
- C. In addition to disseminating a copy of the memorandum, the District will post the memorandum to its website on the educational services home page and at all District locations at which other similar District documents are posted in order to inform faculty, staff, students, parents, or the public of such information. The memorandum will remain posted at these locations for a minimum of one year of the date it was posted.

### **Reporting Requirement**

- D. Within ten (10) business days of completing the requirements of paragraph (II)(B), the District will provide verification to OCR that it completed the requirements. For the distribution requirement, the verification will state: the total number of copies

distributed, the date(s) of distribution, and the method(s) of distribution. The District will also provide to OCR a copy of the email or mailing that was sent to those to whom the distribution was made. For the posting requirement, the verification will state: the number posted, the dates of posting, the locations of posting, and the URL at which the memorandum may be found.

### **III. Training**

- A. Within one calendar year of the date the District receives approval to distribute the memorandum required above, the District will provide a one hour training to District employees at XXXXXXXXXX High School and XXXX XXXXXX High School, all District administrators about the topics in the memorandum developed pursuant to paragraph (II)(A). The training will be provided by a qualified individual who has sufficient knowledge of, experience with, or education about the subject matter. The training will also include a period that allows for questions and answers. In the event that any individuals required to attend this training are unable to attend, the District may consult with OCR about alternative methods of providing make-up training to those who did not attend the training on the dates it was given. The District will also include BP and AR 6163.2 with the employee annual notifications for the 2021-2022 school year.
- B. At least three months before the training required above, the District will provide to OCR for its review and approval the specific education, knowledge, and experience of the individual selected to give the training and the proposed training materials. Alternatively, the District may request that OCR provide the training.

### **Reporting Requirement**

- C. Within thirty (30) calendar days of completing the training required by paragraph (III)(A), the District will provide to OCR written verification that the training has taken place. The verification will state the date(s) on which the training occurred, the number of District employees at XXXXXXXXXX High School and XXXX XXXXXX High School, all District and administrators who attended on the date(s), a copy of the sign-in sheets for the training, and a copy of all documents provided to the attendees.

### **IV. Determination of Student's Educational Services**

- A. Within thirty calendar days of executing this agreement, and after providing proper written notice to the Student, the District will convene the Student's individualized education program (IEP) team to determine whether, as a result of the actions that were directed at the Student and her dog by other students while she was on campus on August XX, 2019, the Student's needs have changed such that her IEP is no longer designed to provide meaningful educational benefit. If the IEP is no longer designed to provide a meaningful educational benefit to the Student, the IEP team will then determine to what extent additional or different special education or related services

are needed to address the Student's individual needs and revise her IEP accordingly. The District will not need to complete the requirements of this section (Section IV) of the Agreement if the Student fails to respond to the District's reasonable efforts to convene a meeting or responds that she does not desire to have a meeting.

- B. The IEP team will also determine whether the Student needs compensatory and/or remedial services as a result of any failure to provide a meaningful educational benefit to the Student for the period of time prior to revising the IEP. If so, within one week of its determination, the IEP team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond one year from the date of the meeting. The District will give the Student a copy of the notice of the procedural safeguards including the right to challenge the teams' determination through an impartial due process hearing.

**Reporting Requirements:**

- C. Within two weeks of making the decisions required by paragraph (IV)(A) of this Agreement and paragraph (IV)(B) of this Agreement, respectively, the District will submit to OCR documents supporting the team's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and, for any compensatory educational or remedial services, a description of and schedule for providing any compensatory educational and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decisions and plan for providing the proposed services, review the documentation to ensure that the District met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and, as applicable, Title II, at 28 C.F.R. § 35.160, in making these determinations.
- D. Within thirty days of completing the compensatory education, if offered, the District will provide documentation to OCR of the dates, times and locations that compensatory educational and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

**V. Monitoring**

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 resolution agreement. Upon the District's satisfaction of the commitments made under the resolution 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 resolution agreement and/or the applicable statute(s) and regulation(s). 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.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Mark Campbell, Superintendent  
Calaveras Unified School District

Date: 11/18/2020