

**Resolution Agreement**  
**OCR Complaint No. 09-20-1192**  
**Cupertino Union School District**

The Cupertino Union School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the violation identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), and their implementing regulations in the above-referenced OCR case number.

**I. Guidance Memorandum and Training**

A. Provisions

1. The District will issue a guidance memorandum to all District staff responsible for investigating complaints alleging disability discrimination, such as those filed pursuant to the Uniform Complaint Procedure (UCP), including, but not limited to, the Assistant Superintendent of Human Resources, the Human Resources Director (6-8 Certificated, Classified), and the Director of Instruction Leadership & Intervention, regarding the Section 504 and Title II requirements for a prompt and equitable response to alleged disability discrimination and the elements of the UCP as found in Administrative Regulation (AR) 1312.3. The guidance memorandum will emphasize AR 1312.3's requirements for the final written decision for a complaint alleging disability discrimination.
2. The District will provide training to all District staff responsible for investigating complaints alleging disability discrimination, such as those filed pursuant to the UCP, including, but not limited to, the Assistant Superintendent of Human Resources, the Human Resources Director (6-8 Certificated, Classified), and the Director of Instruction Leadership & Intervention, regarding the Section 504 and Title II requirements for a prompt and equitable response to alleged disability discrimination and the elements of the UCP as found in AR 1312.3. The training will emphasize AR 1312.3's requirements for the final written decision for a complaint alleging disability discrimination.

B. Reporting Requirements

1. On or by August 7, 2020, the District will provide a draft of the guidance memorandum described in Section I.A.1. to OCR for review and approval.
2. Within fifteen (15) calendar days of receiving OCR's approval of the guidance memorandum in Section I.B.1., the District will issue the memorandum to the staff described in Section I.A. and provide OCR with (a) a list of all District staff required by Section I.A. to receive the guidance

memorandum, and (b) written documentation showing that staff required by Section I.A. received the guidance memorandum.

3. On or by September 4, 2020, the District will provide to OCR for review and approval a copy of the training agenda, the name(s) and title(s) of the trainer(s), and a copy of the training materials for the training required by Section I.A.2.
4. Within fifteen (15) calendar days of completing the training described in Section I.A.2., the District will provide OCR with (a) the name(s) and title(s) of the trainer(s); (b) the date of the training; (c) a copy of the final agenda and materials used at each of the trainings; and (d) a list of the participants, including names and titles.

## **II. Completing the Investigation of the Complainant's Internal Complaint**

### **A. Provisions**

1. The District will issue an updated final written decision to the Complainant for her July X, 2019 complaint and September XX, 2019 amendment. The updated final written decision must address the Complainant's allegation that the Teacher engaged in different treatment during the 2018-2019 school year when the Student was not afforded extra credit opportunities because she exercised an accommodation provided by her Section 504 Plan. If the District must investigate the allegations further before drafting an updated final written decision, it may do so in a reasonable timeframe and within the deadline established the reporting requirements below. The updated final written decision for the Complainant's complaint, as amended, must meet the Section 504 and Title II requirements for a prompt and equitable response to alleged disability discrimination, which may be satisfied by adherence to AR 1321.3.

### **B. Reporting Requirements**

1. On or by October 16, 2020, the District will provide to OCR for review and approval a draft of the updated final written decision described in Section II.A.1. above.
2. Within fifteen (15) calendar days of receiving OCR's approval of the updated final written decision in Section II.B.1. above, the District will issue the updated final written decision to the Complainant and provide OCR with documentation showing that the Complainant received the updated final written decision.

## **III. 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 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.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Stacy McAfee  
Interim Superintendent  
Cupertino Union School District

\_\_\_\_\_06/24/2020\_\_\_\_\_  
Date