

Resolution Agreement
OCR Case No. 09-21-1110
Sequoia Union High School District

In order to resolve the compliance concerns identified and the findings of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Sequoia Union High School District (District) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, the District agrees to take the actions in this Resolution Agreement (Agreement).

I. Student Remedy

A. Within thirty (30) calendar days of signing this Agreement, the District will draft a letter to the Complainant and the Student informing them of the following:

1. That OCR found that the District failed to implement the Student's Section 504 accommodations in the Student's Advanced Placement (AP) XXXXXXX course during fall 2020.
2. That the District is taking steps to train and educate its staff and administrators on its Section 504 policies and procedures, including how to properly draft a Section 504 plan; the requirement to provide accommodations to students with disabilities in AP and honors classes; and how to properly investigate allegations of disability discrimination, such as the failure to implement a Section 504 plan.
3. That within 30 days of the date of the letter, the Student may submit to the District a written statement describing the effects the District's failure to implement his Section 504 accommodations had on his AP XXXXXXX grade and his experience during the fall 2020 semester and that this letter will be added to the Student's academic file if the Student wishes it to be.

B. Within thirty (30) days of signing this Agreement, the District will draft a letter for inclusion in the Student's academic file explaining that, among other things, OCR found that the District failed to implement the Student's Section 504 accommodations in the Student's AP XXXXXXX course during fall 2020, and stating that this failure to implement negatively impacted the Student's grade. This letter will be added to the Student's academic file.

Reporting Requirements: Within twenty (20) calendar days of signing this Agreement, the District will provide for OCR review and approval a draft of the letters as outlined in Sections I.A. Within five (5) days of receiving OCR review and approval, the District will send the letter to the Complainant and the Student. Within five (5) days of sending the letter, the District will provide OCR with confirmation of the letter's transmission. Within ten (10) days of receipt of any submission from the Student, the District will provide the Student's statement to OCR and include the letter in the Student's academic file if the Student opts for its inclusion.

Within twenty (20) days of signing this Agreement, the District will provide for OCR review and approval its letter for inclusion in the Student's academic file. Within twenty (20) days of receiving OCR's approval, the District will add the letter to the Student's file and provide documentation of the change to OCR, the Complainant, and the Student within three (3) days of making the change.

II. Written Guidance and Training

- A. The District will issue a written guidance memorandum and facilitate training by OCR for all administrators, teachers, school psychologists, intervention counselors, school counselors, mental health support specialists, mental health social workers, and mental health case workers at XXXXXXXX High School who have responsibility for identification, evaluation, placement, and implementation of accommodations for students who have or are suspected of having disabilities. The training and the related guidance memorandum will include, but not be limited to, the following topics: the District's responsibilities under Section 504 with respect to evaluation and placement, including the District's obligation to assess the impact of the disability on a student in the absence of mitigating measures to consider the impact on a student's access to the education program when a disability is active and not in remission; the District's legal obligations to provide a free appropriate public education to students with a disability under Section 504 and Title II, including for students enrolled in advanced placement/honors courses; the District's expectation and requirement for District employees to implement approved accommodations; what to do when employees have questions or concerns about an approved accommodation or how to implement an approved accommodation; best practices and strategies for implementing classroom accommodations; and how to respond to complaints of disability discrimination, including the relevant District policies and procedures as proscribed by state and federal law.

Reporting Requirements: By no later than February 1, 2023, the District will submit a draft of the guidance memorandum, as described in II.A of the Agreement, for OCR review and approval.

The District will finalize and issue the approved guidance memorandum and provide the training required in Section II.A of the Agreement on or before March 1, 2023. Within 15 days of providing the training required in Section II.A of the Agreement, the District will provide OCR with the following documentation: the date(s) of the training, sign-in sheets or other similar proof evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

III. Review of Complaints of Disability Discrimination

- A. For the first and second semester of the 2022-2023 school year, the District will provide to OCR a spreadsheet of all formal, written reports and/or complaints of disability-based discrimination, including of alleged failure to implement a student's accommodations and including any complaints processed through the grade review process.
1. The listing or log shall include: (a) a case number coded to protect individual student privacy; (b) when and by whom the complaint or report was received; (c) what policy or procedure was used to respond to the complaint or report or disability discrimination; (d) the date and manner in which the complaint or report was resolved; and (e) any steps the District took to prevent any recurrence in instances where complaints were substantiated.
 2. The District will also provide OCR with the complaint and evidence of compliance with Section III.A. of this Agreement for every investigation described in Section III.A of this Agreement.

Reporting Requirements. By December 10, 2022 and June 15, 2023, the District will provide for OCR's review and approval the listing or log of reports and/or complaints as described in Section

III.A.1 of this Agreement and the complaints and the evidence of compliance as described in Section III.A.2 of this Agreement.

- B. The District will designate a person knowledgeable about the information contained in the spreadsheet to review and discuss the documentation with OCR no later than the first two weeks of the spring semester 2023 and within ten (10) days of the end of the 2022-2023 school year. The District understands that following OCR's review of the submitted documentation, OCR may request additional information regarding the complaints identified in Section III.A.1-2 of this Agreement to ensure that the District is providing an appropriate response.

IV. 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. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all of the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this 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 any alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

_____/s/_____
For the District

November 14, 2022
Date