

**Resolution Agreement**  
**OCR Case No. 09-22-1325**  
**Clayton Valley Charter High School**

In order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Clayton Valley Charter High School (School) 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 School agrees to take the actions in this Resolution Agreement (Agreement).

**I. Student Remedy**

- A. Within ten (10) calendar days of signing this Agreement, the School will provide proper written notice to the Student's parent/guardian and offer to convene a Section 504 team meeting with knowledgeable persons, including the Student's parent/guardian and all relevant School administrators, faculty, and staff to determine whether any compensatory and/or remedial services are needed by the Student for the alleged failure to implement the Student's Section 504 plan during the 2020-2021 and 2021-2022 school years when the School allegedly failed to: 1) distribute the Section 504 plan to the Student's teachers and to substitute and secondary teachers; 3) implement the approved accommodation of self-limiting in physical education class; and 4) implement the Student's restroom use accommodation. If the parent/guardian consents to the Section 504 team meeting, the School will convene a Section 504 meeting within fifteen (15) calendar days and the team, including the Student's parent/guardian, will consider any and all adverse impacts to the Student of the alleged failure to implement the Section 504 plan during the 2020-2021 and 2021-2022 school years, and determine whether the Student needs compensatory and/or remedial services as a result of the School's alleged failure to provide accommodations pursuant to their Section 504 plan during the 2020-2021 and 2021-2022 school years. If the team determines that compensatory and/or remedial services are necessary, within ten (10) calendar days of its determination, the team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond July 31, 2023. The School will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the team's determination through an impartial due process hearing.
- B. If the Student's parent/guardian consents to the Section 504 team meeting described in Section I.A. of this Agreement, the Section 504 team will:
1. Determine whether it is appropriate to amend the Student's fall 2020 physical education grade to reflect what they would have been absent the School's failure to implement the Student's Section 504 accommodations;
  2. Create a comprehensive plan (Restroom Access Plan) for the Student to have immediate access to restroom facilities at all times when they are on campus. The Restroom Plan will include at least the following: 1) a list of the closest accessible

restroom facility for each period of the school day, accounting for the location of each of the Student's classes; 2) a procedure for the Student to nonverbally signal to their teachers that they need to leave class to use the restroom; 3) a system for informing hall monitors of the Student's accommodations that safeguards the Student's ability to travel to and from restroom facilities without delay; 4) a procedure for safeguarding the Student's privacy from School staff and other students while the Student is using restroom facilities; and 5) a procedure for the Student to communicate discreetly with their parents and/or appropriate School staff in case of a medical emergency while they are using the restroom; and

3. Develop a plan for distributing the Student's Section 504 plan (Section 504 Distribution Plan) and Restroom Access Plan described in Section I.B.2 of this Agreement to all teachers and staff members responsible for implementing the Section 504 plan prior to the beginning of each semester.
  - i. Included with the development of the Distribution Plan, the Section 504 team will develop a training plan on implementation of the Section 504 plan and procedures for teachers to distribute the Section 504 plan to substitute teachers and other Staff responsible for temporarily implementing the Student's accommodations.

**Reporting Requirements:** Within fifteen (15) calendar days of signing this Agreement, the School will provide documentation of its contact with the Student's parent/guardian. If applicable, within fifteen (15) calendar days of the decision as to whether compensatory and/or remedial services are needed, the School will submit to OCR documents supporting the Section 504 team's decision(s). The documentation submitted shall include information showing the participants in the meeting, the data considered, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will review the documentation to ensure that the School met the requirements of this Agreement in compliance with 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.

If applicable, by August 31, 2023, the School will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Within thirty (30) days of signing this Agreement, the School, if applicable, will provide for OCR review and approval its plan for amending the Student's physical education grade as described in Section I.B.1 of this Agreement. Within forty-five (45) days of receiving OCR's approval, if applicable, the School will make the amendment to the Student's transcript and provide documentation of the change(s) to OCR, the Complainant, and the Student within three (3) days of making the change.

Within thirty (30) days of signing this Agreement, the School will provide for OCR review and approval the Restroom Access Plan for fall 2022 semester as described in Section I.B.2 of this

Agreement. The School will provide for OCR review and approval for the Restroom Access Plan during the spring 2023 semester no later than seven (7) calendar days prior to the beginning of the spring 2023 semester.

Within thirty (30) days of signing this Agreement, the School will provide for OCR review and approval its Section 504 Distribution Plan to any School teachers and staff responsible for implementing the Student's Section 504 accommodations during the fall 2022 semester as described in Section I.B.3 of this Agreement. The School will provide for OCR review and approval the same information for the spring 2023 semester no later than fourteen (14) calendar days prior to the beginning of the spring 2023 semester.

## II. Section 504 Training

The School will provide Section 504 training to the School administrators, faculty, and staff responsible for administering special education and related services. The training will cover at least the following topics: The School's legal obligations to provide a free appropriate public education to students with a disability under Section 504 and Title II; the School's expectation and requirement for all School employees, including substitute teachers, to implement approved accommodations for which they are responsible; what to do when employees have questions or concerns about an approved accommodation or how to implement an approved accommodation; strategies for informing substitute and other secondary instructors of approved accommodations and implementation requirements; best practices and strategies for implementing classroom accommodations; the School's obligations to respond to notice of disability discrimination in a reasonable, timely, and effective manner; the School's obligations to evaluate students who needs or is believed to need special education or related aids and services because of a disability; and the School's obligations to have a system of procedural safeguards with respect to any action taken regarding identification, evaluation or placement of a student with a disability.

**Reporting Requirements:** By October 10, 2022, the School will provide a draft to OCR of the proposed training materials (including the name and the title of the proposed trainer) for OCR review and approval. The School will provide the training and provide documentation to OCR that the training was conducted on or before December 31, 2022, so long as OCR has reviewed and approved the training materials forty-five (45) calendar days prior to that date.

## III. Monitoring

The School 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 School understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms and obligations of the resolution agreement. The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School 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 School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
For the School

\_\_\_\_\_09/15/2022\_\_\_\_\_  
Date