

Twin Rivers Unified School District
Office for Civil Rights
09-14-1156
Resolution Agreement

In order to resolve the issues raised under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), and without admitting or conceding any violation of Federal law with respect to the issues raised in the complaint, Twin Rivers Unified School District agrees to implement this agreement.

1. District Policy on Significant Assistance to Before/After School Programs

- a. The District will adopt a procedure or issue written guidance that it will not give significant assistance to any agency, organization or person that discriminates on the basis of disability in providing before and/or after school care to District students. The District will comply with its policies and state and federal laws, prior to the revocation of any significant assistance to an agency or organization providing before and/or after school care to District students. Examples of significant assistance may include, but are not limited to, the following: use of District buildings/facilities, custodial services, food services and professional development.
- b. The procedure or written guidance will specify that in order to receive significant assistance from the District, the Before and/or After School Care Program must ensure that:
 - i. It will not discriminate against individuals on the basis of disability and will include notice of nondiscrimination on the basis of disability in all enrollment brochures and parent handbooks provided to parents or guardians, whose children participate in the program, or who are seeking information about the programs.
 - ii. Where necessary, in order for an individual with disabilities to be able to participate effectively, the program will take steps to reasonably accommodate the individual's needs, including the provision of supplementary aids and services, for example, the dispensation of medication for qualified students with disabilities who require medication during before/after school hours. Any program modifications and/or aids and services will be provided without increased cost to the parents or guardians of the student.
 - iii. Before and/or After School Program agencies and organizations must indicate in their medical policies and forms that they will make medications accessible for qualified students with disabilities who require medication during before/after school hours, or who may require medication on an emergency basis, and that any recommendations to arrange for a student to take medication outside of program hours is strictly voluntary and not a requirement of the program.

Resolution Agreement

- iv. The accommodations or services must be provided unless doing so would fundamentally alter the nature of the program. Any determination that participation of a student or the provision of an accommodation or service to a student, would result in a fundamental alteration of the program must be made on an individual basis. The fact that additional cost would be incurred, does not, of itself, constitute a fundamental change in the program.
 - v. If the District receives notice, through its own review, an internal or external informal or formal complaint, or other means, that an agency, organization, or person covered by the policy or written guidance is discriminating on the basis of disability, the District will take all reasonable steps to eliminate the discrimination. In the event that the program operator will not comply with the non-discrimination policy or written guidance, the District will terminate all assistance to the agency, organization or person. Termination of substantial assistance shall be conducted pursuant to applicable District policy and in compliance with state and federal law.
 - c. The District will provide notice to current Before/After School Programs/agencies of the procedure or written guidance stated in part 1.a-b and also will routinely provide this notice whenever any agencies, organizations and persons seek to operate a before and/or after school care program in the future that would receive significant assistance from the District.
 - d. The District will also provide notice of the procedure or written guidance to any District personnel involved with or responsible for any part of the District's Before/After School Programs.
 - e. By August 26, 2014, prior to distribution of notice of the procedure or guidance as outlined in 1.a-d, the District will provide OCR for review and approval a draft of the procedure or guidance as outlined in 1.a-b.
 - f. Within 20 days after OCR's review and approval of the draft procedure or guidance outlined in 1.a-b, the District will issue the notice of the procedure or guidance to current and potential before/after school agencies and relevant District personnel as outlined in 1.c-d.
 - g. Within 10 days after the District provides notice in accordance with 1.a-d, the District will provide documentation to OCR that it provided this notice in accordance with 1.a-d.
2. Notice to Parents/Guardians of Non-discrimination by Before/After School Providers
- a. The District will draft a notice of non-discrimination that will be routinely sent to all parents or guardians of students upon enrollment in the Before and/or After School Care Programs. The notice will state that if the parent or guardian believes his or her child has been discriminated against on the basis of disability

Resolution Agreement

by the program, the parent or guardian may file a complaint with the District under the District's discrimination complaint procedure.

- b. The District will also provide this notice to any District personnel involved with or responsible for any part of the District's before/after school programs.
 - c. By August 26, 2014, prior to the distribution of the notice as outlined in 2.a-b, the District will provide OCR for review and approval a draft of the notice.
 - d. Within 15 days after OCR's review and approval, the District will issue the notice as per 2.a-b.
 - e. Within 10 days after the District provides notice, the District will provide documentation to OCR that it provided notice as per 2.a-b.
3. Before and After-School Program Policy for In-District providers:
- a. In accordance with the District's administrative regulation 5141.21(7) (Administering Medication and Monitoring Health Conditions), the District will advise Before and After School Programs of their responsibility to provide for the administration of medication during field trips and after-school activities. The District will ensure that any Before and/or After School Programs operated by the District include in their medication policy and forms that they will make medications accessible to qualified students with disabilities who require medication during before/after school program hours, or on an emergency basis, and that any recommendations to arrange to have a student take medication outside of program hours is strictly voluntary and not a requirement of the program.
 - b. By September 30, 2014, the District will provide documentation to OCR that any District-operated Before/After school programs have revised their medical policy and related forms in accordance with 3.a.

4. General Provisions

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this case.

The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, after consultation with the District, 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 regulations implementing Section 504 and Title II.

Resolution Agreement

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
District Representative

07/31/2014
Date