

Resolution Agreement
Hamilton Unified School District
OCR Case #09-15-1517

To resolve the compliance violations identified by the U.S. Department of Education, Office for Civil Rights (OCR), during its investigation of the above-referenced complaint filed pursuant to Section 504 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, the Hamilton Unified School District (District), without admitting to any violation of the law, agrees to implement this Resolution Agreement (Agreement).

I. Training and Guidance Concerning Section 504 and Title II.

- A. Within 45 days of the execution of this Agreement, the District will provide OCR with a draft of a guidance memorandum it has developed to address requests for evaluation under Section 504 or the Individuals with Disabilities in Education Act (IDEA), the process for timely identification and evaluation, and provision of procedural safeguards for OCR's review and approval.
- B. Within 15 days of receiving approval from OCR, the District will distribute the guidance memorandum to administrators and staff at the School and to other administrators in the District who are charged with ensuring that students with special needs are identified and evaluated.
- C. On August 12, 2016, the District will conduct training for all District staff and administrators responsible for the identification, evaluation, and placement of students requiring a Section 504 Plan or Individualized Education Program (IEP).
- D. The training for all District staff and administrators will include education on the District's policies and procedures for providing a free, appropriate public education under Section 504 and Title II, with an emphasis on the provision of procedural safeguards and timelines for identification and evaluation.
- E. The training for all District staff and administrators will be conducted by an individual with experience and expertise in Section 504 and Title II requirements. The training will cover, but is not limited to, the following:
 - i. The definition of an individual with a disability and the definition of major life activities consistent with Section 504 and the Americans with Disabilities Amendments Act of 2008 (ADAA);
 - ii. The District and School's responsibility to appropriately and timely identify, evaluate, and place students with special needs.

- iii. The District and School's responsibility to provide notice to parents/guardians of procedural safeguards with respect to actions regarding the identification, evaluation, or placements of students who, because of disability, need or are believed to need special instruction or related services, including when decisions are made in any type of meeting with a parent or guardian not to conduct such an evaluation or make an eligibility determination under either Section 504 or the IDEA and instead proceed with a Student Study Team (SST) or other type of school support meeting.

II. Notice to Complainant

Within 30 days of the execution of this Agreement, after providing proper written notice to the Complainant, the School will convene a meeting with the Complainant at which it will provide Complainant with written and oral notice of her procedural rights, including the right to proceed to due process, if she disagreed with the District's decision not to evaluate the Student under Section 504 or IDEA, and an explanation of the difference in protections provided to Students and their parents/guardians under Section 504 and IDEA as compared to the SST process.

III. Monitoring and Reporting

- A. Within one week of August 12, 2016, the District will provide documentation to OCR showing that the appropriate staff and administrators have received the training described in Section I.C, D., and E., above. Documentation shall include name and title of the person providing the training, training materials used, list of training date(s), and a list of attendees. Within 15 days of distributing the guidance memorandum described in Section I above, the District will provide documentation to OCR verifying that such guidance was distributed to the staff discussed in section 1B.
- B. Within 15 days of the meeting described in Section II above, the District will provide documentation to OCR verifying that the meeting was held, including notes taken at the meeting and the written information shared with the Complainant during the meeting.

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 in compliance with Section 504, Title II, and their implementing regulations, 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, 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 Section 504, Title II, and their implementing regulations.

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

This Agreement is effective as of the date signed.

_____/s/_____
Mr. Charles Tracy, District Superintendent

Date

02/24/2016