

Resolution Agreement

Placer Hills Union School District

OCR Case No. 09-16-1014

In order to resolve the concerns raised in the investigation of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), the Placer Hills Union School District (District), without admitting any violation of federal law, and without a compliance determination by OCR, agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Individual Remedy

- A. By July 1, 2016, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services from February XX, 2015 to November XX, 2015. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the end of the 2016-17 school year. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
- B. If the 504 team determines that compensatory services are needed, all such services must be provided by the District or reimbursed to the Student's parents with no cost to the Student. If services will not be provided by District staff, the District will establish and fund an account by October 1, 2016, for the benefit of the Student (Student Account) to provide the Student with the required services. Funds in this Student Account will be available for services for the Student until the fund is depleted, or until the end of the 2016-17 school year, whichever comes earlier.

II. Training

- A. The District will issue written guidance and provide training to all relevant District staff, including site administrators, special education teachers, school psychologists, and general education teachers, concerning the District's responsibility to ensure the provision of a free appropriate public education (FAPE) to students with disabilities under IDEA and Section 504. The guidance and training will include staff's responsibilities for ensuring that all students who may have a disability and need services under IDEA or Section 504 are located, identified, and evaluated for special

education and disability-related services in a timely manner, including situations where a student is exited from special education but may be eligible for services under Section 504. The training will also address when the District must provide parents with notice of procedural safeguards in the IEP and Section 504 processes, the requirement that the District conduct a timely Section 504 evaluation in accordance with the regulations and that the District cannot require that a parent provide evidence of a student's disability prior to completing its own evaluation.

III. Reporting

- A. Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR for review and approval documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of 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.
- B. By June 1, 2017, the District 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).
- C. Within 30 days of the date of execution of this Agreement, the District will provide a draft of the guidance documents and proposed training materials described in Section II to OCR for review and approval. The District will issue the guidance and provide the training October 31, 2016. Within 30 days of issuing the guidance documents and conducting the training, the District will provide documentation to OCR that all staff required under Section II were trained, and will also produce documentation (e.g. a sign-in sheet or other evidence) showing training attendance by name and title of attendees, a copy of the materials distributed at the training, the name and title of the trainer(s), and the date of the training.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, 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 the regulations implementing Section 504 and Title II at 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 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) days to cure the alleged breach.

_____/s/_____

_____06/23/2016_____

Cindy Uptain
Superintendent, Placer Hills Union School District

Date