

Pleasanton Unified School District
Office for Civil Rights
09-16-1070
Resolution Agreement

The Pleasanton Unified School District (District), without admitting to any violation of law with respect to the issues raised in the complaint, agrees to implement this Resolution Agreement (Agreement) to resolve the violations identified by 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, as amended (Title II) and their implementing regulations in the above-referenced OCR case number.

I. Review and Revise Policy and Provide Guidance

- A. The District will revise its policies and procedures to require that all teachers at the XXXXXX XXXX XXXXXX School (School) inform the principal's secretary or other designated person when they arrange for substitutes, and, prior to substituting for the class, the substitute teacher will request and the secretary will provide all Section 504 Plans for students in the applicable class. The policies and procedures will also require that all physical education (PE) teachers receive all Section 504 Plans within two (2) days of the development of such plan and any amendment thereto. The District will submit the revised policies and procedures to OCR for review and approval prior to implementation.
- B. The District will develop for OCR review and approval a memorandum to all staff at the School explaining the changes to policies and procedures discussed in Section I.A.
- C. The District will provide training on the revised policies and procedures to all staff at the School, including, but not limited to, PE teachers. The training will include discussion of the District's obligation to implement all actions, strategies, and accommodations in Section 504 Plans, including the process by which substitute teachers access and implement Section 504 Plans.
- D. The District will provide training on Section 504 to all staff at the high school the Student will attend in the 2016-2017 school year. The training will include discussion of the District's obligation to implement all actions, strategies, and accommodations in Section 504 Plans and the implementation policies and procedures at the high school, including the process by which substitute teachers access and implement Section 504 Plans.

II. Individual Student

- A. Within five (5) days of signing this Agreement, the District will request documentation from Complainant of wages lost on October XX and XX, 2015 associated with Student's October XX, 2015 visit to the emergency room after being asked to run the mile in PE class in violation of her Section 504 Plan. If

Complainant supplies the District with documentation, the District will pay the amount of lost wages, up to a maximum of \$210 to the Complainant as reimbursement for her expenses, such payment to be made within 15 days of the receipt of documentation.

- B. No later than five (5) days after the start of the 2016-2017 school year with consent of the Student's parent, the District will convene a Section 504 meeting with the Complainant, Student, teachers and staff from Student's high school, including the PE teacher if Student is enrolled in PE, and people knowledgeable about Student to:
 - 1. Review and update Student's Section 504 Plan; and
 - 2. Discuss Section 504 implementation at the high school where the Student attends, with specific emphasis on the actions, strategies, and accommodations that teachers, staff, school nurse, and substitute teachers are responsible for; and
 - 3. Identify a site-based staff member who will serve as Student's Section 504 resource, whom the Student feels comfortable seeking out for any Section 504 implementation concerns.
- C. Within two (2) days of receiving a signed Section 504 Plan, Student's Section 504 Plan will be distributed to all of Student's teachers and appropriate staff, and teachers and staff will sign an acknowledgement of receipt of Student's 504 Plan and the acknowledgements will maintained on file with the District.

III. Reporting

- A. On or by August 8, 2016, the District will provide a draft of the revised policies and procedures described in Section I.A. and the memorandum described in Section I.B. to OCR for review and approval.
- B. Within five (5) days of receiving OCR's approvals of the documents in Section III.A., the District will issue the memorandum to all School staff and provide OCR with written documentation showing that all School staff received it.
- C. On or by August 8, 2016, pursuant to Sections I.C. and I.D., the District will provide to OCR for review and approval a copy of the Section 504 training agenda, the names of the trainer(s), and a copy of the training materials.
- D. Following receipt of OCR's approval of training in Section III.C., and no later than the first day of the 2016-2017 school year, the District will provide the Section 504 training pursuant to Sections I.C. and I.D., and within five (5) days thereafter, the District will provide OCR with documentation of completion. This documentation is to include (1) the name(s) and title(s) of the trainer(s); (2) the date(s) of the trainings; (3) a copy of the final agenda and materials used at each of the trainings; (4) a list of the participants including names and titles; and (5) the School's 2016-2017 staff list.

- E. Within ten (10) days of the date the District reimburses the Complainant for expenses incurred pursuant to Section II.A., the District will provide OCR with documentation of the reimbursement. If no payment is made, the District will notify OCR of the reason therefor no later than thirty (30) days after the signing of this agreement, and will include documentation of the notice to Complainant and any responses.
- F. Within thirty (30) days of the Section 504 meeting pursuant to Section II.B., the District will provide documentation of the meeting, including (1) written notes from the meeting; (2) an updated Section 504 Plan; (3) the written plan for Section 504 implementation at the high school the student attends, highlighting Section 504 implementation with substitute teachers and PE teachers; (4) the name and title of the Student's site-based Section 504 resource staff member; (5) copies of the signed acknowledgement by Student's teachers and appropriate staff pursuant to Section II.C.; and (6) Student's course schedule for the 2016-2017 academic year.

IV. Monitoring

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 Section 504 and its implementing regulations, at 34 C.F.R. §104.33, and Title II and its implementing regulations, at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), 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 and Title II and the regulations implementing these statutes.

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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
School/Recipient Representative

06/13/2016
Date