

Voluntary Resolution Plan
BONITA UNIFIED SCHOOL DISTRICT
Docket Number 09-02-1022

In order to voluntarily resolve the issues raised under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) in the above-referenced complaint filed with the Office of Civil Rights (OCR), and without admitting any unlawful or wrongful acts or other liability by the Bonita Unified School District whatsoever against the complainant in Docket Number 09-02-1022, or any other person, the Bonita Unified School District (District) agrees as follows:

1. In the event that, by February 15, 2003, the District and Complainant do not reach a settlement agreement by direct negotiation or mediation that, in substance, resolves the claims pertaining to the [REDACTED] (Student), the District shall offer to the Complainant to promptly take the actions described below to implement a free appropriate public education (FAPE) with regard to Student. If no agreement has been reached by February 15, 2003, should the Complainant authorize these steps and sign the appropriate forms they will be promptly implemented. Absent authorization by the Complainant, the District's responsibilities will continue to be controlled by 34 C.F.R. Part 104.
 - a. The District will reconvene a Section 504 or other multidisciplinary team meeting to evaluate Student in all areas pertaining to his identified disabilities and to determine an appropriate program designed to address his individual educational needs. The team will conduct an evaluation sufficient to accurately and completely describe the nature and extent of the Student's disabilities, his special needs, what regular or special education and/or related aids and services are appropriate, and the information relied upon by the team in making its determination.
 - b. The team will consist of persons knowledgeable about the Student, including the Complainant, the meaning of the evaluation/assessment data, and the full range of placement options. The team will base its determination on current and comprehensive evaluation data and will consider information from a variety of sources, including assessment information provided by the Complainant.
 - c. The team will develop a Section 504 Plan that will specify how the special education and/or related aids and services will be provided and by whom. The Plan will

identify the person responsible for ensuring that all components of the plan are implemented. The Plan will contain provision for monitoring the effectiveness of the program and for periodic review of the Student's needs as determined necessary.

2. The District will in consultation with OCR, revise its Section 504 Board Policy and Regulation to ensure that students who are disabled within the meaning of Section 504 are identified, evaluated, and provided with a free appropriate public education (FAPE). The District will ensure that the District's obligation to provide a FAPE under Section 504 is defined as the provision of regular or special education and related aids and services designed to meet the individual educational needs of disabled students as adequately as non-disabled students. The definition of the District's responsibility will not be limited to reasonable accommodation.
3. The District will revise the document entitled "Information Regarding Section 504 of the Rehabilitation Act of 1973" to reflect the above revisions to the Board Policy and will provide notice of the revised Section 504 Board Policy to District administrators and staff.
4. The District will, in consultation with OCR, review and, if necessary, revise its Section 504 hearing procedure.
5. The District will issue a memorandum to District administrators reminding them of the current District process and criteria for requesting court documents when administrators have questions about a person's legal, custodial, and/or educational rights concerning a child with disabilities.
6. The District will develop and distribute a memorandum regarding the retention of relevant records with respect to the identification, evaluation and placement of students with disabilities. This memorandum will contain information sufficient to apprise District administrators and relevant staff of the specific types of information that must be retained.

Monitoring:

1. By February 28, 2003, the District will advise OCR about whether it will be implementing the agreements contained in Paragraph 1, subsections a through c above. If so, within 15 work days of the 504 team meeting contained in Paragraph 1,

subsections a through c above, the District will provide to OCR a copy of the 504 Plan developed for the Student and signed by the complainant and the District. If the complainant does not sign the 504 Plan, the District will provide OCR a copy of the 504 Plan and documentation confirming the complainant was given notice of appropriate procedural safeguards. If the District will not be implementing the agreements contained in Paragraph 1, subsections a through c above, it will provide OCR notice of the reason(s).

- 2. By February 28, 2003, the District will provide OCR copies of the policy and procedures described above at paragraphs 2 and 4 and the notices described above at paragraph 3. Within 60 calendar days of the provision of these documents, the District will provide OCR documentation confirming that the District has adopted the policy and procedures and that the notices have been issued.
- 3. By February 28, 2003, the District will provide to OCR copies of the memoranda described above at paragraphs 5 and 6. Within 60 calendar days of the provision of these memoranda, the District will provide OCR documentation confirming that the memoranda have been distributed.
- 4. The above monitoring dates and time frames may be modified upon good cause shown by the District and the agreement of OCR.



Ann Sparks
Assistant Superintendent,
Business Services

1-24-03

Date