

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. Training and Guidance for Administrators and Teaching Staff Concerning Harassment Based on Disability and Responding to Complaints of Harassment

- A. The District will provide annual mandatory training on disability-based harassment to all middle and high school site administrators and teaching staff. OCR is available to provide the first training. The training will take place within _____ days of the date on which the Agreement is signed. At each training session, the District will also distribute a guidance memorandum or bulletin. The training and guidance memorandum will include the topics listed below:
1. the District's policy prohibiting discrimination and harassment of a student by other students or by District employees based on disability;
 1. the October 2010 "Dear Colleague Letter" issued by OCR, which clarifies the relationship between bullying and discriminatory harassment and how schools should respond;¹

¹ On October 26, 2010, OCR released a Dear Colleague Letter concerning recipients' obligations to protect students from student-on-student harassment on the basis of sex; race, color and national origin; and disability. The full text of the letter may be found at the following link: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

2. the types of conduct that could constitute disability-based harassment, such as verbal acts and name-calling, graphic and written statements about a disability or disability-related characteristics or about classroom accommodations, or other conduct that may be physically threatening, harmful or humiliating.
3. an explanation that the Uniform Complaint Procedure is the District's procedure for resolving disability discrimination complaints, a summary of the procedure, a reference to where individuals can locate the full procedure, and the name and contact information of the District level individual responsible for responding to complaints of disability-based discrimination, including harassment;
4. what an administrator should do if he or she learns of harassment of a student by a peer or by an employee based on disability;
5. students, parents or guardians who report disability discrimination, including harassment, must be notified that they can address their complaints through the District's discrimination complaint process and how to obtain a copy of the procedure;
6. investigations must include interviews of all relevant witnesses, including the individual alleged to have been subjected to discrimination, and anyone else who may have knowledge of the alleged discrimination;
7. records must be maintained documenting the processing and resolution of discrimination complaints, including documentation of witness interviews;
8. as required by the Uniform Complaint Procedures, the complainant must be provided with written notice of the outcome of the complaint including a statement of all the issues raised, the findings made on each issue and the rationale for each, the corrective actions for each issue, if any, and notice of the right to appeal; and
9. designation of a knowledgeable individual at the District Office to serve as a resource for any administrators or school site staff members who have questions as to how the guidance applies to a given situation and/or scenario.

IV. Notice to [REDACTED] School Parents and Students

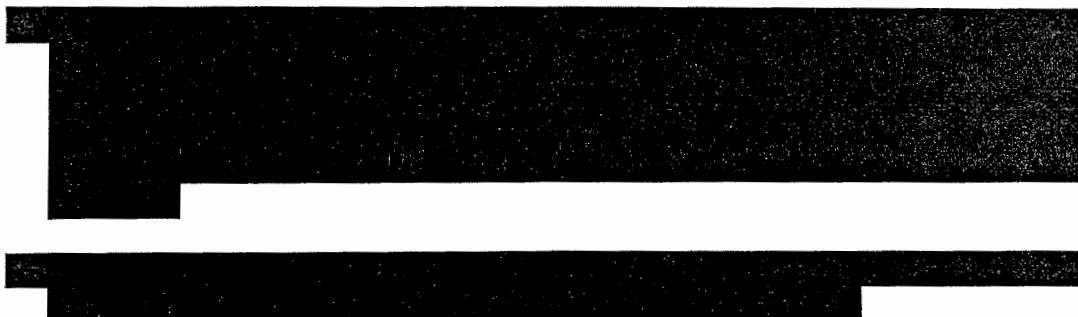
- A. The District will issue to all [REDACTED] Middle School students, parents and staff a notice that will be also be printed in the School's newsletter and published on the school's website. The notice will:

1. state that the District does not tolerate discrimination, including acts of harassment, based on disability, and that the District is committed to conducting a prompt investigation of complaints of disability-based discrimination;
 2. encourage any student who believes he or she has been subjected to harassment based on disability to report it to a teacher or administrator, and include contact information for the designated school administrator to whom students and parents may report allegations of harassment;
 3. advise that students found to have engaged in acts of harassment based on disability may be disciplined and that such discipline may include suspension or expulsion.
- B. The District will take age-appropriate steps to communicate to students at Terman that harassing other students because of their disabilities is inappropriate and will not be tolerated by the school.

V. Information for Middle and High School Students and Parents

- A. The District will modify the “Complaint Procedures” section of the written and online versions of the middle schools’ handbooks to include the word “disability” as a basis that may give rise to a discrimination complaint. At the beginning of the 2012-2013 school year, all middle school students will be given a hard copy of the revised School Student Handbook.
- B. The District will annually provide annual age-appropriate student instruction for middle and high school students designed to increase awareness of what constitutes disability-based harassment, inform students of the consequences of harassment, explain what students should do if they experience or observe harassment, and encourage students to report disability-based harassment.

VI. Monitoring and Reporting



[REDACTED]

[REDACTED]

- E. The District will submit a draft of the guidance memoranda required by Section III.A to OCR by _____, 2012.
- F. The District will distribute the final version of the memorandum to administrators and staff, with a copy to OCR, within _____ days of receiving OCR's approval of the draft. The District will provided documentation that it has distributed the memorandum to administrators and staff within _____ days of receiving OCR's approval of the draft.
- G. By _____, 2012, the District will notify OCR of whether it wishes OCR to conduct the training in Section III. If the District has chosen a provider other than OCR, the District will provide OCR with a copy of the agenda and summary of the content of the training, as well,as the name of the trainer, and will confer with OCR to ensure that the content of the instruction meets the requirements of this Agreement.
- H. By _____, 2012, if the District has selected a provider other than OCR for the training in Section III, the District will provide OCR with documentation demonstrating that the training has been completed. The documentation is to include the date(s) of training, the names of the trainer(s), the agenda and materials from the training, and a list of the participants.
- I. By _____, 2012, the District will provide OCR with a copy of the notice that was distributed to all parents and guardians of students attending District schools as referenced in Section IV. A.
- J. By _____, 2012, pursuant to Section V.A, the District will modify the online versions of the middle schools' student handbooks; by _____, 2012, pursuant to Section V.B., provide OCR with copies of the revised "Complaint Procedures" sections of the middle school Student Handbooks in Section V.
- K. By _____, 2012, the District will provide OCR with a description of how it intends to provide the student instruction in Section V.B, including who will deliver the instruction and the schedule for providing it. The District will confer with OCR to ensure that the instruction meets the requirements of this Agreement.

- L. By _____, 2012, the District will provide OCR with documentation demonstrating that the student instruction in Section V.B. has been completed. The documentation will include the date(s) of the instruction, the names of the individuals providing the instruction, and copies of the materials used and/or given to students.

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 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act and its implementing regulations at 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 Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act and its implementing regulations at 28 C.F.R. part 35, which were at issue in this case.

Superintendent, Palo Alto Unified School District

Date