

**Resolution Agreement**  
Tracy Unified School District  
(Docket Number 09-14-1018)

To resolve the above-referenced complaint with the U.S. Department of Education, Office for Civil Rights (OCR), filed pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, the Tracy Unified School District (District), without admitting to any violation of the law, agrees to take the following actions:

- I. Written Guidance & Training Regarding Section 504 Placement Policies and Procedures
  - A. The District will issue written guidance and conduct in-service training regarding its policies and procedures for providing a free, appropriate public education (FAPE) under Section 504 and the Title II.
  - B. The written guidance and training will include the District's Section 504 policies and procedures for developing a Section 504 Services plan and determining a student's placement in order to provide a FAPE, including that:
    1. a multi-disciplinary team of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options shall meet to review the evaluation data and make placement decisions regarding the student, including whether special education or related aids and services are needed to provide the student a FAPE;
    2. the team's placement decision shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
    3. placement decisions (including regular or special education aids and services, accommodations and/or modifications) shall be based on the individualized needs of the student and shall be designed to meet the individual educational needs of the student as adequately as the needs of nondisabled students are met;
    4. the team must consider a full range of placement options including regular or special education and related aids and services in determining the appropriate placement and services necessary to provide a FAPE;
    5. in making placement decisions, the team shall document and carefully consider information from all such sources and shall consider all significant factors affecting the students ability to receive a FAPE;
    6. a placement decision shall not be based on a single factor alone;
    7. placement decisions shall be made by the team, not by any one individual;

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8. individual teacher policies or practices shall not be a basis to deny a service, accommodation, modification, or other possible placement;
  9. assumptions or stereotypes about a type of disability and its impact on students also shall not be a basis for placement decisions;
  10. administrative convenience shall not be a basis for placement decisions; and,
  11. all teachers or other relevant individuals responsible for implementing the student's placement shall be informed of the placement and their role in implementing the student's section 504 plan.
- C. By September 15, 2014, the District will provide OCR with documentation that it has provided the training described above to all district and high school site administrators responsible for Section 504. The District will also make the above-referenced training open to any other staff members regularly participating on Section 504 multidisciplinary teams. The documentation will also demonstrate that the training was conducted by an individual with experience and expertise in Section 504/Title II requirements. OCR may be available to provide the training at the District's request.
- D. By August 31, 2014, the District will provide OCR with a draft of the written guidance described above. Within 15 days of approval by OCR, the District will provide OCR with documentation it has distributed the guidance to all district and site administrators, as well as all teachers, school psychologists, counselors, or other potential Section 504 team members in the District.

II. Student

- A. The Student's Section 504 multidisciplinary team will develop and propose a plan to give the Student the opportunity to remediate his spring 2013 semester grades in XXXXXXXX and XXXXXXXX XXXXXXXXXX. The plan will include the upcoming summer, fall, and/or spring semester(s) when the Student may reasonably retake the courses. If the Student elects to retake either or both courses, the District will expunge his spring 2013 grade(s) for the course(s) and his transcripts will reflect the new grade he receives in each class (with implementation of his Section 504 plan). Any expungement of the Student's grade(s) will be processed in accordance with the procedures described in California Education Code § 49070.
- B. By May 1, 2014, the District will provide OCR with documentation that it has informed the Student and his parent(s)/guardian(s) of the Student's option to retake one or both courses, and has held a Section 504 meeting for the Student to discuss this option, and develop a plan for doing so, if the Student so chooses. If the Student elects to retake one or both courses, the District will provide OCR with documentation that his transcript has

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been expunged of the prior grade or grades, and replaced with his performance in the retaken course(s), within 30 days of the end of the semester during which the Student has retaken the course(s).

III. Monitoring

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 regulation 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 a minimum of sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_4/15/2014\_\_\_\_\_  
Date