

**Resolution Agreement**  
Oakland Unified School District  
OCR No. 09-14-1040

In order to resolve the issues raised under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 in the above-referenced complaint filed with the Office for Civil Rights (OCR), and without admitting any unlawful or wrongful acts or other liability or conceding any violation of Federal law with respect to the issues raised in the complaint, the Oakland Unified School District agrees to implement this agreement.

A. Provisions

1. By January 10, 2014, the School will convene a Section 504 team meeting to revise the Student's Section 504
  - a. The Student's teachers will be invited to participate in this meeting.
  - b. The Student's mother, advocate, and teachers will be provided with a copy of the Section 504 plan within 48 hours of the Section 504 meeting.
2. By February 12, 2014, the District will convene an IEP meeting to determine the Student's eligibility for special education and related services under the Individuals with Disabilities Act (IDEA).
  - a. By close of business on February 10, 2014, the District will provide the Student's mother and advocate with copies of the completed assessment reports of the Student and draft IEP via email.
  - b. If the Student is found to be ineligible for special education and related services under the IDEA, the School will convene a Section 504 team meeting on February 12, 2014 to consider the additional information in the assessment report to determine whether the Student needs additional services under Section 504.
3. By May 15, 2014, the District will convene an IEP or Section 504 meeting for the Student to determine the Student's educational needs as they relate to her transition from middle school to high school. If the Student's mother invites staff from the high school to participate, the District will allow their participation in the meeting which will be scheduled on a mutually agreeable date.

B. Reporting Requirements

1. By January 17, 2014, the District will provide OCR with a copy of the Student's Section 504 plan and notes of the Section 504 team meeting that was convened pursuant to Item 1 above.

2. By January 17, 2014, the District will provide OCR with a copy of the Student's assessment plan.
3. Within 30 days of completing the psycho-educational assessment of the Student, the District will provide OCR with written confirmation that the assessment was completed and the assessment report was provided to the Student's parents.
4. Within 30 days of convening the IEP team meeting pursuant to Item 2.b., the District will provide OCR with a copy of the Student's IEP and notes of the meeting.
5. If the Student was found to be ineligible under the IDEA, the District will provide OCR with a copy of the notes of the Section 504 meeting convened pursuant to Item 2.c. within 30 days of the Section 504 meeting.
6. By June 30, 2014, the District will provide OCR with a copy of the notes of the Student's IEP or Section 504 meeting convened pursuant to Item 3.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§104.33-104.36 and Title II of the Americans with Disabilities Act of 1990 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 further 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 which were at issue in this case. By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement.

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) days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Gary Yee  
Superintendent

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12/20/2013  
Date