

Resolution Agreement
Case Number 09141314
Oakland Unified School District

Without admitting to any violation of law, the District voluntarily agrees to the terms of this Agreement and agrees to comply fully with its provisions. This commitment does not relieve the District from fulfilling its other obligations under Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act and their implementing regulation, or resolve any other individual or class complaint against the District under these statutes.

I. Individual Remedy

- A. In order to resolve the individual Student claims investigated in this complaint under Section 504 and Title II, the District has agreed to issue a check to the Student, in the amount of twenty-two thousand, two hundred dollars (\$22,200.). The District intends for this amount to be used by the Student for tuition, tutoring, counseling, fees, educational materials and equipment and other educational related services at the discretion of Student and his family in satisfaction of compensatory education claims. Within 30 days of the approval of the plan by OCR, with input from the Student, the District will fulfill its commitments under the plan.
- B. By December 15, 2014, the District will provide documentation to OCR of the manner in which the compensatory payment was provided to the Student.

II. Systemic Remedy

- A. By March 1, 2015, the District will submit a draft cross-departmental administrative guidance to OCR clarifying the appropriate situations to refer a student to the SST, Section 504 evaluation or special education assessment. The guidance will include the identification of the appropriate documentation for staff or parents to request the evaluation or assessment, the appropriate timelines to respond to the referral, the appropriate documentation for staff to deny the request, and the appropriate codes to document a student transfer within or out of the District. OCR will provide feedback and approval to the District within 30 days of the District's submission. Within 30 days of OCR's approval, the District will issue the guidance District-wide.
- B. By June 1, 2015, the District will align its SST, Section 504 and special education website, parent information material, and staff manuals with the administrative guidance.
- C. The District will identify a method to track the referrals and outcomes to SST, Section 504 and special education evaluations and assessments at XXXXXXXXXX High School for 2014-2015 and by July 31, 2015 submit a report to OCR that describes the number of referrals, the timeliness in which they were responded to, and the response to the referral.

- D. By January 30, 2015, the District will report to OCR about the progress of the District's implementation of the new online database, SEIS (Special Education Information System).
- E. By December 2015, the District will provide an in-person training and develop a webinar regarding compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act to District administrators and staff who have identification, evaluation and monitoring responsibilities with respect to Section 504 and special education. As needed to prepare the content for the training and webinar, the District will seek technical assistance from OCR.

III. 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 Title II of the Americans with Disabilities Act, and their implementing regulations.

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 regulations implementing Section 504 and Title II of the Americans with Disabilities Act which were at issue in this matter.

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.

By: _____/s/_____
Superintendent or Designee

Date: 11/05/2014