

Resolution Agreement
Brentwood Union School District
OCR Case No. 09-15-1540

In order to resolve the compliance concern the U.S. Department of Education, Office for Civil Rights (OCR) identified with respect to the above-referenced complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (Title VI), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12131 *et seq.* (Title II), and the implementing regulations, the Brentwood Union School District (District) agrees to take the actions outlined in this Resolution Agreement.

A. Self-Review Process

The District will conduct a self-review of its system for documenting student racial classification information in the electronic database used by the Special Education Department (Special Education database) from April 2016 to date. In conducting the self-review, the District will:

1. Compare the racial classification information contained in student enrollment forms and the Special Education database for each student assessed or reassessed for eligibility to receive special education or related services from April 2016 to date.
2. Compile a list of each student in this group who was identified as African American, including those who are bi-racial or multi-racial, on the enrollment form but who either did not appear on the Special Education database or was not identified as being African American on the database and why.
3. Determine and document whether the District administered standardized intelligence tests to any of the listed students in assessing or reassessing their eligibility to receive special education or related services.

B. Action for Individual Students

After completing the self-review process above, the District will take the following action with regard to any student who was identified as African American, including those who are bi-racial or multi-racial, during the OCR investigation or through the self-review process and to whom the District administered standardized intelligence tests.

1. For each such student who remains enrolled in the District, the District will contact the student's parent or guardian and extend a written offer to expunge the standardized intelligence testing information, reassess the student with a valid testing instrument(s), and hold an individualized education program (IEP) meeting to discuss the results and any additional special education or related service needs based on the original testing and the student's current status. The District will complete this process for all parents and guardians who accept this offer.

C. Modifications to District System for Documenting Student Racial Classification Information and Written Guidance

1. Based on information gathered during the District's self-review of its system of documenting student racial classification information in the Special Education database, the District will propose and, upon OCR approval, implement modifications to ensure the accurate and complete transfer of racial classification information from enrollment forms to the database, including monitoring by a District-level administrator.
2. The District will issue a guidance memorandum to all District and/or School site administrators, faculty, and staff responsible for ensuring that the modified system of documenting student racial classification information in the Special Education database is implemented with fidelity. The guidance memorandum will include:
 - a. A summary of the District's modified system of transferring racial classification information into the Special Education database.
 - b. A statement of the importance of accurately and completely transferring this information into the Special Education database.
 - c. The name and contact information for the District level administrator responsible for overseeing the implementation of the modified system of transferring racial classification information into the Special Education database.
3. The guidance memorandum shall be issued annually to existing staff responsible for implementing this process until OCR concludes monitoring the Resolution Agreement and within 10 business days of onboarding any newly hired or newly assigned staff responsible for transferring racial classification information from student enrollment forms into the Special Education database.

D. Written Guidance on Assessment Policies and Procedures

The District will issue a guidance memorandum to all administrators and staff responsible for assessing and/or reassessing students' eligibility for special education or related services. The guidance memorandum will include:

1. A summary of District Administrative Regulation 6164.4, Identification and Evaluation of Individuals for Special Education, including, but not limited to, reminders that:

- a. Assessments and other evaluation materials must be selected and administered so as not to be discriminatory based on race and must be used for the purposes for which the assessments or measures are valid and reliable.
 - b. Assessments and other evaluation materials must be tailored to assess specific areas of educational need and not merely designed to provide a single intelligence quotient.
2. A summary of the Contra Costa Special Education Local Plan Area (SELPA) Procedures Guide on assessment including, but not limited to, reminders that:
 - a. Testing and assessment materials and procedures shall be selected and administered so as not to be racially discriminatory.
 - b. Assessments must be validated for the specific purposes for which they are used and must be tailored to assess specific areas of educational need, not merely provide a single general intelligence quotient.
 - c. The use of standard intelligence testing of African American students has been suspended and alternative assessment procedures are used. Each assessment report must contain a statement regarding the validity of the assessment, and whether standardized test results are valid.
3. A list of assessment instruments that the District considers to be standardized intelligence tests that it does not administer to African American students in assessing or reassessing eligibility for special education services.

E. Monitoring and Reporting

1. By August 15, 2020 the District will complete the self-review process described in Section A. Within thirty (30) calendar days of completing the self-review process, the District will provide documentation to OCR including a brief description of the process used to conduct the self-review as well as a list or chart. The list or chart will show the data compared and any resulting discrepancies, an explanation of the reason(s) for the same, a determination regarding the use of standardized intelligence tests to assess or reassess any African American student whose racial classification was found to be discrepant, and whether any such student continues to be enrolled in the District.
2. By September 15, 2020 the District will initiate the actions described in Section B. for each student identified during the OCR investigation or during the District's self-review process who remains enrolled in the District. Within sixty (60) calendar days of initiating the actions, the District will complete all steps described in Section B. for each student identified as African American during the OCR investigation or during the District's self-

review process to whom the District administered standardized intelligence tests and who remains enrolled in the District. By the same date, the District will provide documentation to OCR including a list of students for whom actions were taken and corresponding information for each with regard to the District's offer to expunge the standardized intelligence testing information, reassess the student with a valid testing instrument(s), and hold an IEP meeting to discuss the results and any additional service needs based on the original testing and the student's current status.

3. By October 15, 2020 the District will provide proposed modifications to its system of recording racial classification information to OCR for review and approval under Section C.1. Within thirty (30) calendar days of OCR's approval, the District will confirm to OCR that the modified system is being implemented.
4. Within thirty (30) calendar days of OCR's approval of the District's modified system under Section C.1., the District will provide a draft of the guidance memorandum described in Section C.2. to OCR for review and approval. Within thirty (30) calendar days of OCR's approval, the District will issue the guidance memorandum, provide OCR a copy of the guidance memorandum issued, and confirm how and when the guidance memorandum was distributed. By the same date, the District will confirm that it will distribute the guidance memorandum annually and to newly hired or assigned personnel in accordance with Section C.3.
5. By August 15, 2020 the District will provide a draft of the guidance memorandum described in Section D. to OCR for review and approval. Within thirty (30) calendar days of OCR's approval the District will issue the guidance memorandum and provide documentation to OCR showing how and when the guidance memorandum was distributed.

The District understands that by signing the Resolution Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Resolution Agreement. Further, the District understands that during the monitoring of the Resolution 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 and obligations of the Resolution Agreement. Upon the District's satisfaction of the commitments made under the Resolution Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Resolution Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____

_____06/05/20_____

Dana Eaton
Superintendent, Brentwood Union School District

Date