

**Resolution Agreement
San Francisco Unified District
Case Number 09-16-1027**

The San Francisco Unified School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (Title II).

I. INDIVIDUAL PROVISION

- A. Within 30 calendar days of the first day of the 2016-17 school year, the District, after providing proper written notice to the Student's Guardian, will convene a group of knowledgeable persons, including the Guardian, to determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services from April 9 to May 1, 2015. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services (the Plan) with a completion date not to extend beyond one year after the date the group makes the determination. The District will provide the Student's Guardian with notice of the procedural safeguards including the right to challenge the group's determination through an impartial hearing.

Reporting Requirements

- B. Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for the Plan which will provide any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and Plan for providing the proposed services, review the documentation to ensure that the District met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- C. By fifteen calendar days after the last compensatory and/or other remedial services have been provided to the Student, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

II. MONITORING

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 and Title II, and 34 C.F.R. § 104.33-.36, and 28 C.F.R. § 35.103(a), and 35.130(b)(ii) and (iii), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the Section 504, Title II, and their implementing regulations.

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 sixty (60) calendar days to cure the alleged breach.

_____/S/_____
[Signature]
District Superintendent

_____08/01/2016_____
Date