

**Resolution Agreement**  
Sacramento City Unified School District  
Case No. 09-16-1478

In order to resolve the finding of non-compliance and compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Sacramento City Unified School District (District) pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), and their implementing regulations, the District agrees to take the actions in this Resolution Agreement (Agreement).

**I. Manifestation Determinations**

- A. The District will provide a guidance memorandum and training to all staff at the School involved in initiating or participating in manifestation determinations. That memorandum and training will describe the circumstances under which a manifestation determination should be conducted, as well as the process for initiating and conducting the determination. The memorandum and training will emphasize that manifestation determinations are appropriate both for students on Individualized Education Programs and for students with Section 504 plans.
- B. The District will revise its “Central Behavior Review Request” form to clarify that manifestation determinations are relevant both for students with IEPs and students with Section 504 plans. The District will distribute the revised form to all relevant staff who use the form across the District.

Reporting Requirements:

By April 2, 2018, the District will provide OCR with a copy of the draft memorandum, the training materials, and the qualifications of the individuals providing the training for OCR review and approval. The District will provide documentation to OCR that it provided the training and issued the guidance memorandum by May 30, 2018.

By April 2, 2018, the District will provide OCR with a revised Central Behavior Review Request form for OCR review and approval. By May 30, 2018, the District will provide OCR with documentation showing that the revised form has been distributed as required above.

**II. Individual Remedy**

The District will conduct a review of the Student’s suspensions issued during the 2015-16 school year and make a determination regarding whether any of the suspensions constituted different treatment based on the Student’s race and whether any suspensions required a manifestation determination meeting because the series of removals constituted a change of placement because the removals constituted a pattern that totaled more than ten school days. If a manifestation determination meeting was required and not held, the District will determine whether any

suspensions were a manifestation of the Student's disability. To the extent this review identifies an issue of noncompliance with Title VI, Title II, or Section 504 and their implementing regulations, the District will redact/remove any such disciplinary records (both electronic and in paper form) maintained by the District from the student's file.

Reporting Requirements:

By April 30, 2018, the District will provide the results of its review to OCR for review and approval, including, if warranted, evidence of any disciplinary records redacted/removed.

**III. Assessment and Plan**

The School will complete an assessment with respect to different treatment in discipline by:

- A. Reviewing whether any School discipline policies, practices or procedures are resulting in the discriminatory exclusion of African-American students from the School or class;
- B. Analyzing the School's student discipline files and data from school year 2015-2016 through present, including whether African-American students who are similarly situated to students of other races or national origins are being treated differently with respect to: discipline referrals, including for disciplinary transfers or expulsions; exclusionary sanctions, such as suspensions, or length or type of sanctions, such as longer suspensions; and referrals for certain types of offenses, such as subjective or objective offenses. If the School identifies different treatment of African-American students with respect to imposition of discipline and legitimate, non-discriminatory reasons are not identified, the School will identify steps in the Plan below to address any discrimination in discipline;
- C. Reviewing training practices with respect to nondiscriminatory discipline, including with respect to recording of disciplinary incidents and referrals; and
- D. Assessing bias in its various forms and cultural sensitivity and their possible role(s) in any identified differences in treatment on the basis of race with respect to discipline for African-Americans at the School.

Based on this assessment, the School will develop a Plan describing the actions it has identified to address its finding. In determining what actions to implement, the School will address its process for: identifying students who are at-risk of or demonstrate behavioral difficulties; providing and documenting a range of in-class and in-school positive interventions and supports; and supporting and training School staff to help them meet the needs of at-risk students, students with disabilities, and special education students.

Reporting Requirements:

By June 30, 2018, the District will provide OCR with a report of its assessment and its Plan as described above, for review and approval. The District will provide OCR with documentation showing its implementation of the Plan, including but not limited to revised policies, procedures, practices, and training materials, no later than September 30, 2018.

**IV. 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 Title VI, Section 504 and Title II and their implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Jorge A. Aguilar  
Superintendent

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03/19/2018  
Date