

Resolution Agreement
Modesto City School District
Case No. 09-17-1709

The Modesto City School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) in order to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 *et seq.* (Section 504) and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.* (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Individual Remedy for the Student

By May 1, 2018, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the period during which the Student was suspended, or placed on Independent Study, during the fall 2016 semester, prior to his transfer out of the School. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2018. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- A. Within fourteen days (14 days) of the meetings described above, the District will provide OCR with a copy of the written notice provided to the parent/guardian and of all decisions reached by the group of knowledgeable persons concerning compensatory and/or remedial services.
- B. By December 31, 2018, 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. Guidance and Training

The District will issue written guidance and provide training to all relevant District and School staff at XXXXXXXX Middle School, including site administrators, special education teachers, school psychologists, and general education teachers, concerning the District's responsibility to ensure the provision of a free appropriate public education (FAPE) to students with disabilities under IDEA and Section 504. The guidance and training will include staff's responsibilities for ensuring that all students who may have a disability and need services under IDEA or Section 504 are not suspended for behaviors that are a manifestation of disability and that the School and District immediately convene a

manifestation meeting and/or conduct further evaluations and assessment before imposing suspensions of more than ten total days in one school year on a student who receives services pursuant to an IEP or 504 plan. The training will also review protections under Section 504 for students exhibiting behaviors that result in referral for disciplinary consequences.

Reporting Requirements:

By May 1, 2018, the District will provide documentation to OCR a copy of the guidance memo for review and approval. The memo will be distributed to staff within 20 days of OCR's approval.

By June 15, 2018, the District will have provided documentation confirming delivery of training under this subsection.

III. Monitoring

- A. 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 the Agreement. Further the District understands that during the monitoring of the 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. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.
- B. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Craig Rydquist
Interim Superintendent
Modesto City Schools

April 2, 2018