

**Resolution Agreement
Hayward Unified School District
Case Number 09-18-1709**

The Hayward Unified School District (District) agrees to implement this Resolution Agreement (Agreement) 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 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), and their implementing regulations in the above-referenced OCR case number.

I. INDIVIDUAL PROVISIONS

- A. Within 30 calendar days of the date that this agreement is signed, 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 any District's failure to provide appropriate regular and/or special education or related services from March XX, 2018 through December XX, 2018 as described in Appendix A, attached to and incorporated into this Agreement. 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 June 30, 2020 to provide the services after the date the group makes the determination. 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 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, the information considered, an explanation for decisions made, 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, and as applicable, Title II, at 28 C.F.R. §§ 35.160, in making these determinations.
- C. Within two weeks 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 the resolution agreement, it agrees to provide data and other information in a timely manner. 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/_____
[Signature]
District Superintendent

_____03/26/2019_____
Date

Appendix A

The determination will be based on a review of the services in the Student's Individual Education Program applicable during each time period, and must include a determination about the provision of these services, during these time periods, in these classes:

- (1) "Reduced, shortened assignments," beginning September XX, 2018 through December XX, 2018, in XXXXXXXX XXXXXXXXXXXXXXX XXXXXXXX class XXXXX, in XXXXXXXXXXX XXXXXXXXXXXXXXX, and in XXXXXXXX.
- (2) "Flexible with work due dates and extra time for completion," beginning March XX, 2018 through the end of the 2017-18 school year, in the Independent Study Program; and "Flexible with work due dates and extra time for completion," and "Extended time," beginning September XX, 2018 until December XX, 2018, in XXX class.
- (3) "Flexible seating to ensure auditory and visual access," beginning September XX, 2018 through December XX, 2018, in XXX class.
- (4) "Behavior Implementation Plan," from September XX, 2018 through December XX, 2018, in all classes.