

Resolution Agreement

Oakland Unified School District

OCR Reference No. 09-19-1027

The Oakland Unified School District (District), without admitting to any violation of law, 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), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Individual Remedies

- A. Within 90 days of signing this Agreement, 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 failure to timely address the Student's behavior needs or due to loss of instructional time due to removals from the classroom. If so, within 10 school days 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 six months of adoption of the plan. If the provider(s) approved by the Complainant is not an employee of the District, the District will reimburse the Student's parent/guardian, conditioned on reasonable proof of expenditure by or on behalf of Student. 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:

1. Within 12 school days 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 providing 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.
2. Within two weeks of the District's complete implementation of its plan to provide the Student compensatory and/or remedial services, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services will be provided, a description of what will be provided, and the

name(s) of the service provider(s). If the Complainant elects to utilize a provider that is not an employee of the District, records showing Complainant's requested reimbursement and District reimbursements will be sufficient to satisfy the foregoing requirement.

- B. Within 60 days of signing this Agreement, the District will offer counseling services to the Student to address the effects of the District's determination that the Student was subjected to an improper restraint and/or the effects of the District's failure to provide a prompt and equitable response to the incident.

Reporting Requirements:

1. Within 75 days of this Agreement, the District will provide OCR documentation confirming that the offer of counseling, as described in Section I(B), above, was made and a description of the arrangements made for counseling, including the name and title of the licensed psychologist or therapist who will provide the counseling services, the number of sessions, and the beginning and end date for the sessions.
 2. Within 15 days of the Student's final counseling session, the District will provide OCR documentation confirming that counseling services, as described in Section I(B), above have concluded.
- C. In the event the District does not hold in-person instruction and services for its students based on local public health guidelines, the District may request from OCR a stay in the timeline for its provision of individual remedies that cannot be provided safely in another form or format at that time.

II. District Employee Training

- A. The District will provide training on its obligations to provide a FAPE to students with disabilities under Section 504 to all administrators, faculty, and staff at the School who have responsibility for ensuring that student IEP and Section 504 plans are implemented, as well as the District level supervisors for these employees.

Reporting Requirement

1. By August 21, 2020, the District will submit for OCR review and approval training materials and the title/name of the proposed trainers, as described in Section II(A) of the Agreement, above.
2. The District will provide the training required in Section II(A) of the Agreement, above, by October 23, 2020. Within 15 days of providing the training required in Section II(A) of the Agreement, above, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the

required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

- B. The District will provide training on disability-based harassment and the District's obligations in responding to such harassment to all administrators, faculty, and staff at the School and District Office employees who either have responsibility for responding to complaints of disability-based harassment or participate in or oversee the Section 504/IEP processes.

Reporting Requirement

1. By August 21, 2020, the District will submit for OCR review and approval training materials and the title/name of the proposed trainers, as described in Section II(B) of the Agreement, above.
2. The District will provide the training required in Section II(B) of the Agreement, above, by October 23, 2020. Within 15 days of providing the training required in Section II(B) of the Agreement, above, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

III. Maintenance of Discipline Records

- A. The District will assess the use, reliability, and overall effectiveness of the School's discipline record-keeping system, including, ensuring that suspension days are clearly recorded, identifying if they are in-school or out-of-school suspensions, and based on that assessment, develop and implement a plan to correct any issues.
- B. The District will identify a strategy to monitor the effectiveness of the School's discipline record-keeping system.

Reporting Requirement

1. By October 2, 2020, the District will submit for OCR review and approval a report describing the discipline record-keeping system in place for the School and summarizing the steps it took to assess this system, its findings as to the system's use, reliability, and overall effectiveness, and to the extent that it identifies any issues, its plan for correcting them, as described in Section III(A) of the RA, above.
2. Within 60 days of OCR approval, the District will provide OCR documentation confirming that it has implemented the plan described in Section III(A)(1) of the RA, above.

3. By October 2, 2020, the District will submit for OCR review and approval, its strategy to monitor the effectiveness of the School's discipline record-keeping system described in Section III(B) of the RA, above.
4. Within 60 days of OCR approval, the District will provide OCR documentation confirming that it has implemented the strategy described in Section III(B) above.
5. By May 28, 2021, the District will provide OCR with an implementation report regarding the effectiveness of the School's discipline record-keeping system described in Section III(B) of the RA, above.

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 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 statutes and regulations. 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.

OAKLAND UNIFIED SCHOOL DISTRICT

_____/s/_____

Jody London
President, Board of Education

Approved as to form 6/18/20

_____/s/_____

/s/
Deputy General Counsel

Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education