

**Resolution Agreement**  
**Stockton Unified School District**  
OCR Reference No. 09-19-1306

The Stockton 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 thirty (30) school days of signing this Agreement, after providing proper written notice to the Student's parent/guardian (Parent), a group of knowledgeable persons, including the Parent, will determine whether the Student needs compensatory and/or remedial services, as a result of any failure to implement portions of the Student's Section 504 plan or to timely evaluate the Student's need for special education and related services during the 2018-2019 and 2019-2020 school years. If the group determines that compensatory and/or remedial services are warranted, 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 signing this Agreement. The District will provide the Student's Parent notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing. The meeting described in this paragraph can be provided virtually, i.e., via telephone or videoconference, in light of potential school closures related to the COVID-19 global pandemic. Any remedy that is agreed under this paragraph can take into account the potential that schools and service providers may be continuing to implement educational programs and services remotely in response to the ongoing global pandemic.

**Reporting Requirement**

1. Within ten (10) calendar 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 documents submitted shall include a copy of the notice sent to the Parent, as well as documentation showing the participants in the meeting, the information considered, an explanation for decision(s) made, and, if it is determined the Student is entitled to compensatory and/or remedial services, the plan for providing such services, as discussed in Section I-A, above. OCR will 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 ten (10) calendar days of completing of the District's plan, as discussed in Section I-A of this Agreement, to provide the Student compensatory and/or remedial services (if deemed necessary), 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. Employee Training**

- A. The District will provide training on its obligations to provide a free and appropriate education (FAPE) to students with disabilities to District administrators involved in the development and provision of special education services, and the school site administrators, faculty, and staff at XXXXXX Elementary School and XXXXXX High School. The training will include the identification, evaluation, and implementation of the individual education program plans (IEP) and Section 504 plans for students with disabilities, including the District's obligation to respond to complaints of discrimination based on disability. The training will also include the process for reviewing and transferring IEPs and Section 504 plans for students with disabilities when they transfer within District schools. Training may take place in person or in virtual/electronic format.

### **Reporting Requirement**

1. By August 3, 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, within sixty (60) school days of OCR's approval. Within fifteen (15) calendar days of completion of 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 (including school site) employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

## **III. Record Keeping**

- A. The District will develop a protocol to review and ensure the accuracy of their recordkeeping regarding records for students with disabilities at XXXXXX Elementary School and XXXXXX High School. This protocol will identify the person(s) responsible for ensuring that records, including Section 504 meeting notes, resolution of complaints, and other matters are maintained, and the process for correcting missing or inaccurate records.

Reporting Requirement

1. By August 3, 2020, the District will provide OCR with the draft protocol outlined in Section III-A for OCR's review and approval.
2. Within thirty (30) school days of OCR's approval of the draft protocol, the District will provide to OCR documentation confirming that the protocol is adopted by the District.

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 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 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.

\_\_\_\_\_/s/\_\_\_\_\_  
For the District  
Mr. Brian Biedermann, Interim Superintendent  
Stockton Unified School District

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07/13/2020  
Date