

**RESOLUTION AGREEMENT**  
**Albany City Unified School District**  
**OCR Case Number 09-19-1544**

Albany City Unified School District (the 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) and Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations in the above-referenced case number.

**A. Individual Remedy**

By March 13, 2020, after providing proper written notice to the Student's parent, the District will conduct a Section 504 meeting, including the following:

- Convene a group of persons knowledgeable about the Student, the evaluation data, and the placement options (the Team), to include, at a minimum, the following individuals: the Student, the parent, a physical education (PE) teacher, a school psychologist, a counselor, and an administrator.
- The Team will meet to determine what accommodations, if any, the Student should have received for her Spring 2019 semester PE class in order to receive a free appropriate public education (FAPE), as it relates to accessing PE class and as it relates to earning makeup points.
- If the Team determines that the Student should have received additional accommodations, the Team will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide additional accommodations for the Student's Spring 2019 PE class. If so, within one week of its determination, the Team will develop a plan (the Plan) for providing timely compensatory and/or remedial services with a completion date not to extend beyond the end of the 2019-2020 school year, which will also include the opportunity for the Student to earn makeup points for her Spring 2019 semester PE class by accessing the accommodation(s) the Team determined that the Student should have had access to, and any other options, including accommodations, for the Student to complete her PE requirement that the Team determines is appropriate.

The District will provide the Student's parent with notice of the procedural safeguards, including the right to challenge the Team's determination through an impartial due process hearing.

If the Team determines that the Student should have received additional accommodations during the Spring 2019 semester, the District will recalculate the Student's Spring 2019 semester PE grade subsequent to implementation of the Plan.

## **Reporting Requirements**

- Within two weeks of the meeting, the District will submit to OCR documents supporting the Team's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, and explanation for decisions made, detailed meeting minutes, and a description of the Plan. OCR will, prior to approving the District's decision and the Plan, 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.
- Within 14 calendar days of receiving OCR's final approval, the District will provide the parent with a copy of the above listed documentation. The District will concurrently provide OCR with a copy of the documentation sent to the parent.
- By July 1, 2020, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided or the Plan was otherwise implemented, including a description of what was provided, and the name(s) of the service provider(s), for OCR review and approval.

### **B. Procedural Safeguards**

The District will establish and implement procedural safeguards that include notice of the action, an opportunity for parents or guardians to review relevant records, an impartial hearing with opportunity for participation by a student's parents or guardians, representation by counsel, and a review procedure.

## **Reporting Requirements**

- By March 2, 2020, the District will provide OCR with draft procedural safeguards, for OCR review and approval.
- Within 15 days of receiving final approval from OCR, the District will publish the procedural safeguards.
- Within 5 days of publishing the procedural safeguards, the District will direct OCR to where the procedural safeguards can be found.

### **C. Training**

The District will conduct training to the following staff: the District-level Section 504 Coordinator; school-level Section 504 coordinators; school counselors and other school staff who act as case managers for Section 504 students; all school administrators who participate in Section 504 meetings; and, any other school or District staff who regularly participate in Section 504 meetings. The training will include, at a minimum, the following:

- The District’s Section 504 and Title II obligations to provide students with a free appropriate public education.
- The evaluation and placement process under Section 504, including that placement decisions must be made by a group of persons knowledgeable about the student, the evaluation data, and the placement options, and a discussion of who those persons may be and how and when they may participate.
- That Section 504 meetings should be timely held upon request by a parent or guardian or whenever School staff have knowledge that a student may no longer be accessing his/her education via his/or Section 504 Plan.
- A discussion of the District’s new Section 504 procedural safeguards as developed via Provision B.

### **Reporting Requirements**

- Within 15 calendar days of receiving final approval of the procedural safeguards described in Provision B, the District will provide OCR with the name and qualifications of the trainer(s) and the proposed training material,s for OCR review and approval.
- The District will conduct the training(s) within 45 calendar days of receipt of OCR approval.
- Within 10 calendar days of conducting the training(s), the District will provide OCR with the following documentation: the date(s) of the trainings, final copies of any materials used or distributed during the training, sign-in sheets evidencing the appropriate staff attended the training, a list of the required staff who did not attend, and a plan for providing follow up for those staff who did not attend, as needed.

The District understands that by signing the 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 and obligations of the 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 Agreement. 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/\_\_\_\_\_  
Superintendent or designee  
Albany City Unified School District

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02/10/2020  
Date