

**Resolution Agreement**  
**Sacramento City Unified School District**  
**OCR Case No. 09-19-1640**

The Sacramento City Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the violation and 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 OCR case number.

**A. Compensatory and/or Remedial Services**

By **June 17, 2021**, after providing proper written notice to the Student's parents (Parents), the District will convene a meeting with a group of knowledgeable persons, including the Parents, to determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide the Student with appropriate regular and/or special education or related services, per the Student's March X, 2019 Individualized Education Program (IEP) plan, during the 2018 – 2019 school year. This determination will include (but not be limited to) a review of: any missed instruction time in math problem solving, assignments, and tests/quizzes as a result of missed or incomplete RSP sessions; and, any failure to implement the IEP provisions relating to the Student's Educationally Related Mental Health Services (ERMHS), including any missed sessions with the Social Worker and the Social Worker failing to consult with the Student's counselor.

If the group determines that the Student needs compensatory and/or remedial services, within **seven (7) working days** of its determination, the group will develop a plan (Plan) for providing timely compensatory and/or remedial services with a completion date not to extend beyond **December 31, 2021**. This Plan will describe how/when/by whom these services will be implemented, documented (documentation to include the material covered in all sessions, the length of time of each session, and the dates of all scheduled sessions), and communicated to the Parents and/or the Student.

The District will provide the Parents notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing. The District will also ensure that all individuals responsible for providing the Student with these compensatory and/or remedial services receive copies of the Plan.

**Reporting Requirements:**

Within **fifteen (15) working days** of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR, for OCR's review and approval, 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, 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.

By **December 31, 2021**, 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).

#### **B. Communication with the Student's Current School**

Within **fifteen (15) working days** of the meeting described in Provision A above, the District will contact the Student's current school to inform them of the compensatory and/or remedial services it will be providing (if any), in accordance with the Plan. If necessary, the District will collaborate with the Student's current teachers and service providers to ensure the Student receives all compensatory and/or remedial services detailed in the Plan.

#### **Reporting Requirement:**

By **June 30, 2021**, the District will provide to OCR, for OCR's review and approval, documentation demonstrating its compliance with this Provision B, including (but not limited to) detailed notes summarizing any meetings convened or conversations with the Student's current school, and a list of the persons who participated in each of these meetings or conversations.

#### **C. Guidance Memorandum and Training**

The District will provide a written guidance memorandum and training and to all School administrators and certificated staff who oversee Section 504 and IEP processes and all individuals (including teachers) involved in Section 504 and IEP plan implementation. The memorandum and training will include the following:

- The District's Title II and Section 504 obligations to provide students with a free and appropriate public education, including the requirement to:
  - Evaluate students under Section 504 if the District suspects or has reason to suspect that the student needs or may need special education or related services due to a disability, and provide procedural safeguards to students' parents/guardians;
  - Convene a meeting with a multidisciplinary team, including the student's parent/guardian, teachers, special education teachers, Section 504 Coordinator, and other individuals knowledgeable about the student, to determine the appropriate accommodations and or modifications for the student;
  - Develop a plan that includes details about how and when the services will be implemented, and how the implementation of the plan's provisions will be communicated to parents/guardians; and,
  - Implement students' Section 504 and IEP plans.

#### **Reporting Requirements:**

By **June 17, 2021**, the District will submit, for OCR review and approval, a draft of the guidance memorandum and a written description of the proposed training, as described above, including the names and qualifications of the proposed trainer(s).

By **September 30, 2021**, after receiving OCR's approval of the proposed training, the District will provide the required School administrators and staff members with the training and submit documentation (including a sign-up sheet or other evidence of attendance by name) to OCR demonstrating its compliance with this Provision C.

By **September 15, 2021**, after receiving OCR's final approval of the guidance memorandum, the School will implement and distribute the guidance to all relevant parties, as identified above. The District will concurrently provide OCR with verification it has done so.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 and is in compliance with the Section 504 and Title II and their implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Superintendent/Designee  
Sacramento City Unified School District

Date: 05/14/2021