

**Resolution Agreement  
Downey Unified School District  
OCR Case No. 09-20-1251**

Downey 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), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and their implementing regulations in the above-referenced case number.

**I. IEP Meeting**

- A. By February 19, 2021, XXXXX High School (the School) will schedule and convene an IEP team meeting for the Student. That meeting will include a group of persons knowledgeable about the Student. Decisions made at the meeting will be based on information from a variety of sources, with information from all sources being carefully considered and documented.

At that meeting, the IEP team will review the Student's IEP plan to determine whether it appropriately includes all accommodations needed for the Student. The IEP team will also discuss what measures are needed to ensure that the Student's accommodations are implemented in accordance with the Student's IEP plan.

The IEP team will also review the Student's grades from the fall 2019 semester of his XXXXXX class and determine whether the Student was marked down on any assignments for being late in violation of the accommodations provided in the Student's IEP plan. If the IEP team determines that the any of the Student's grades were marked down for being turned in late in violation of the Student's accommodations, the School will adjust the Student's grades on those assignments to include any points that were lost due to being turned in late, and will modify the Student's overall grade accordingly. The IEP team will also review whether the Student's grades were negatively affected by the teacher's decision to double the points he could receive on reading summaries mid-way through the semester as a way to make up for assignments that the Student had failed to turn in to that point. If the team determines that the Student's reading summary assignment grades were negatively impacted by this decision, the IEP will modify the Student's grade accordingly.

**Reporting Requirements:**

- a) By February 26, 2021 the School will provide to OCR, for OCR's review and approval, documentation that the IEP team meeting and determination described in Section I have been completed. If the IEP team determines that a modification to the Student's grade is appropriate, the School will provide OCR and the Student's parent with documentation showing that the grade has been modified in all permanent written or electronic records kept by the School.

## **II. Written Guidance and Training**

- A. The District will distribute a written guidance memorandum on the District's obligations under Section 504 and Title II to all administrators, faculty, and staff at the School who have responsibility for ensuring that students with disabilities receive their required accommodations. The guidance memo will include an explanation of qualifying disabilities, the types of accommodations that can be offered to students, and a description of how District administrators and relevant staff should go about fulfilling this obligation.
- B. All administrators, faculty, and staff at the School who have responsibility for ensuring that students with disabilities receive their required accommodations will participate in an online training conducted by OCR or by an expert in Section 504 and Title II selected by the District. The training will address disability accommodations for students and the District's obligations under Section 504 and Title II.

### **Reporting Requirements:**

- a) By March 5, 2020, the District will submit a draft of the guidance memorandum and training materials as described in Section II for OCR review and approval.
- b) By April 2, 2021, the District will provide OCR with the sign in sheets and any materials used for the trainings described in Section II.

## **III. Monitoring**

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 resolution 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 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/\_\_\_\_\_  
Dr. Patricia Sandoval  
Director of Special Education  
Downey Unified School District

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11/19/2020  
Date