

Resolution Agreement
Roseville Joint Union High School District
OCR Case No. 09-21-1084

The Roseville Joint Union High 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), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Policies and Procedures:

- a. By August 13, 2021, the District will revise the Section 504 policies and procedures for eligibility and placement to comply with the Section 504 regulations with respect to the definition of the criteria the District considers when determining whether a student qualifies for accommodations, modifications, or special education and related services. The specific policy and procedure to be revised is the District's *Procedural and Resource Manual Pursuant to Section 504 of the Rehabilitation Act of 1973* (Manual).
- b. By August 20, 2021, the District will develop general policy guidance for scheduling Section 504 and Individualized Education Program (IEP) meetings that include objective criteria for determining the scheduled length of each meeting to ensure sufficient time to draw upon information from a variety of sources and ensure that information obtained from all such sources is documented and carefully considered.
- c. By August 27, 2021, the District will send an email to all District employees who have responsibilities pursuant to Section 504 and / or regularly participate in Section 504 meetings that describes the changes to the Manual, policy guidance for scheduling Section 504 meetings, and provides a copy of the revised Manual.

II. Training:

- a. By October 1, 2021, the District will train XXXXXXXXXXXX High School (School) employees who have responsibilities pursuant to Section 504 and / or regularly participate in Section 504 meetings regarding the District's responsibilities pursuant to evaluation and placement under Section 504 and its implementing regulation as well as the District's updated Section 504 policies and procedures related to such. If OCR does not approve the District's training materials 5 business days before the scheduled training, the District will conduct said training within 15 business days of OCR's approval of the training materials.

III. Individual Student Remedies:

- a. By September 17, 2021, the District will invite the Student and the Student's parents to attend a Section 504 meeting. This Section 504 meeting will be held at a mutually convenient time during District business hours that allows for participation by the Student and the Student's parents should they wish to attend.
- b. By October 15, 2021, the District will convene a Section 504 meeting of persons knowledgeable about the Student (Section 504 Team) to determine whether the Student requires Section 504 accommodations and services:

- i. This Section 504 meeting shall be scheduled for an adequate amount of time in accordance with the District's policy guidance for scheduling Section 504 and IEP meetings described in Agreement Section I(b).
- ii. At this Section 504 meeting, the Section 504 Team will review in detail all relevant sources of information regarding the Student including, but not limited to:
 - 1. The Student's medical diagnoses of ADHD and dyslexia, including the Student's 2013 ADHD Diagnosis and November XX, 2019 Dyslexia Report;
 - 2. The Student's relevant 2019-2020 and 2020-2021 psychoeducational assessments, independent educational evaluations, mental health evaluations, letters from the Student's treating physicians and counselors, and other assessment reports that the District possesses and/or that the Parent submits to the District for consideration at the Section 504 meeting.
 - 3. The Student's 2019-2020 and 2020-2021 transcripts and the Student's educational performance during the 2019-2020 and 2020-2021 school years. With respect to educational performance during this time period: the Team will review Individual Course Grade Reports that include a detailed breakdown of the Student's performance on classwork, homework, quizzes, tests, and projects for specific courses for which the Student and the Complainant raised a question as to whether the Student's disability or medical condition impacted his performance;
 - 4. The Student's 2019-2020 and 2020-2021 Student Success Team/Section 504 Plan Teacher Reviews; and
 - 5. Email communications with the Student's teachers from the 2020-2021 school year to present where teachers agreed to provide informal accommodations outside the Section 504 process.
- iii. In accordance with District policy, the Section 504 Team will document each source of information reviewed pursuant to Agreement Section III(b)(ii). The Section 504 Team shall also document any other sources of any information reviewed related to:
 - 1. The Student's impairment and the specific substantial limitations that may require accommodations for the Student to be able to obtain FAPE; and
 - 2. The Section 504 Team's decision that the Student does or does not require accommodations and services.
- iv. In accordance with District policy, the Section 504 Team will also document the reasons for any determinations made by the Section 504 Team with respect to the decision whether or not to provide the Student with Section 504 accommodations. This documentation shall include, at minimum, the basis for the Section 504 Team's decision to deny or grant specific accommodations and services and any disagreement amongst Section 504 Team members.
- c. If the Section 504 Team determines that the Student requires Section 504 accommodations and services, the Section 504 Team will also discuss whether the Student needs compensatory and/or remedial services as a result of the District's prior denial of accommodations and

services and document the reason(s) for any such determinations with respect to such compensatory and / or remedial services.

- d. If the Section 504 Team determines that the Student needs compensatory and/or remedial services, the District will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the end of the 2021-2022 school year. The District will provide the Student's parent notice of the procedural safeguards, including the right to challenge the District's determination through an impartial due process hearing.
- e. In the event that the Section 504 Team is unable to carefully review and document the sources of information described in Agreement section III(b)(ii) and (iii) and document the Section 504 Team's determinations described in Agreement section III(b)(iv) due to reasonable time constraints, the District will hold additional Section 504 meeting(s) to complete such review and documentation, provided that the Student and the Student's parents are invited to attend each subsequent meeting, each meeting is held at a mutually convenient time during District business hours that allows for participation by the Student and the Student's parents should they wish to attend, and each meeting is scheduled for an adequate amount of time in accordance with the District's policy guidance for scheduling Section 504 meetings described in Agreement Section I(b).

IV. Monitoring and Reporting:

Policies and Procedures

- a. By August 13, 2021, the District will provide OCR with the revised Manual described in Agreement Section I(a) for review and approval.
- b. By August 20, 2021, the District will provide OCR with the draft general policy guidance described in Agreement Section I(b) for review and approval.
- c. By August 27, 2021, the District will provide OCR with confirmation that a statement regarding Section 504 eligibility, links to the District's board policy and administrative regulation relating to Section 504, and a link to the procedural safeguards have been posted on its public-facing website where information regarding special education and Section 504 is maintained.
- d. By August 27, 2021, the District will provide OCR with confirmation that the District sent the email to all District employees who have responsibilities pursuant to Section 504 and / or regularly participate in Section 504 meetings described in Agreement section I(c).

Training

- a. By September 7, 2021, or at minimum seven business days before the scheduled training (whichever is earlier), the District will provide OCR with the draft training materials described in Agreement Section II for review and approval.

- b. By October 1, 2021, the District will convene the training described in Agreement Section II for all School employees who have responsibilities pursuant to Section 504 and / or regularly participate in Section 504 meetings. If OCR does not approve the District's training materials five days before the scheduled training, the District will conduct the training described in Agreement Section II within 15 calendar days of OCR's approval of the training materials.
- c. Within 5 business days of the training described in Agreement Section II, the District will provide OCR with the sign-in sheets to demonstrate that all appropriate School staff attended the training.

Individual Student Remedies

- a. By September 17, 2021, the District will provide OCR with documentation showing that the District has invited the Student and the Student's parents to attend the Section 504 meeting described in Section III(b).
- b. By October 8, 2021, the District will provide OCR with documentation that the District has scheduled the Section 504 meeting described in Section III(b). This meeting will be scheduled for an amount of time that complies with the District guidance described in Agreement Section I(b) and will take place after all District Section 504 Team members have attended the training described in Section II.
- c. By October 22, 2021, the District will provide OCR with documentation that it convened the Section 504 meeting described in Section III(b). This documentation shall include the Section 504 Plan documentation described in Agreement sections III(b)(ii), (iii) and (iv).
 - i. Within 5 business days of receiving this documentation, OCR will notify the District of any compliance concerns with respect to Section 504 and its implementing regulation.
 - ii. In the event that OCR identifies such compliance concerns, the District will convene another Section 504 meeting within 20 calendar days of receiving notice from OCR, unless good cause is given for a reasonable extension, to cure any such compliance concerns.

If convened, this additional Section 504 meeting shall:

- 1. Include a team of the Student's current teachers as well as the Student's teachers from the previous year;
- 2. Be scheduled for a mutually convenient time during District business hours that allows for participation by the Student and the Student's parents should they wish to attend;
- 3. Comply with the provisions outlined in this Agreement as well as Section 504 and its implementing regulation.
- 4. Be fully documented according to the District's policies and procedures concerning Section 504 meetings, and such documentation will be provided to OCR for review within 5 business days.

- d. If the Section 504 Team determines that the Student requires Section 504 accommodations and services and needs compensatory and/or remedial services, the District will provide OCR with a copy of the plan it developed to provide timely compensatory and/or remedial services within 10 business days of this determination.
- e. If the Section 504 Team determines that the Student does not need compensatory and/or remedial services, the District will provide OCR with documentation from the Section 504 Team indicating that such services were not needed within 10 business days of this determination.

The District has no obligation to provide a plan for compensatory and /or remedial services if the Section 504 Team determines the Student does not require Section 504 accommodations and services.

- f. If the Section 504 Team is unable to carefully review and document all sources of information described in Agreement section III(b)(ii) and (iii) and document the Section 504 Team's determinations described in Agreement section III(b)(iv) due to reasonable time constraints:
 - i. Within five business days, the District will provide OCR with documentation for the Section 504 meeting and a detailed explanation for why an additional meeting is needed;
 - ii. Within 15 business days, the District will reconvene the Section 504 Team to complete the review, careful consideration, and documentation of the documents described in Agreement sections III(b)(ii), (iii) and (iv); and
 - iii. Within 5 business days of this reconvening, the District will provide OCR with any additional Section 504 Plan documentation generated as a result of this reconvening for review pursuant to this Agreement and Section 504 and its implementing regulation.

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 necessary for OCR to determine whether the District has fulfilled the terms and obligations of the Agreement. Upon the District 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/_____
 John Becker
 Superintendent, Roseville Joint Union High School District

 07/13/2021
 Date