

Resolution Agreement Reached During the Investigation
Sacramento City Unified School District

OCR Case No. 09-14-1323

In order to resolve the allegations raised in this complaint filed with OCR under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and without admitting to any violation of law, Sacramento City Unified School District (District) agrees to implement this Resolution Agreement.

Actions and Reporting

- A. District-Level Guidance:** Within sixty calendar days of the date of this Agreement, the District will take effective action through training or written guidance to instruct each of its administrators to refer all claims of disability discrimination to the District's Uniform Complaint Procedure (UCP), and to remind administrators of the District's obligation to respond to such claims under Section 504 and Title II. The District will provide OCR a written report describing the training or written guidance, including a listing of District administrators participating, the information conveyed, the date that the training or guidance was provided, and a copy of all related documentation.
- B. Site-Level Guidance:** Within sixty calendar days of the date of this Agreement, the District will train its Sequoia Elementary School administrative staff regarding behavioral triggers that should result in a referral of a student for evaluation of suspected disabilities. The District will provide OCR a written report describing the training, including a listing of site administrators participating, the title and qualifications of the trainer, the information conveyed, the date that the training was provided, and a copy of all related documentation.
- C. Individual Remedy:**
- a. Within thirty calendar days of the date of this Agreement, the District will remove the suspensions from the 2013-14 school year from the Student's record.
 - b. Within thirty calendar days of the date of this Agreement, the District will extend a written offer to the Complainant to convene an individualized education program (IEP) meeting to discuss whether the Student currently requires any further modifications, supports, or services in his educational program due to the delay in placing him in his current educational placement.
 - c. If the IEP Team determines that the Student needs any additional modifications, supports or services because of the delay in placing him in his current special education program, the District will add these elements to the Student's IEP and fully implement them.

- d. Within sixty calendar days of this Agreement, the District will provide OCR with a written report including the following: confirmation that the suspensions have been removed from the Student's record; a copy of the written IEP offer to the Complainant; and, if the Complainant accepted the offer, a copy of the IEP.

D. UCP Modifications: The District will modify its UCP to: delete language allowing parties to the dispute to question each other and each other's witnesses at the investigative meeting; clarify that the sixty day waiting period before pursuing civil law remedies does not apply to federal civil law remedies; and clarify that the District may be required to disclose disciplinary action taken against an employee who engages in harassment in order to provide sufficient notice to a complainant that it has effectively eliminated a hostile environment.

Within sixty calendar days of the date of this agreement, the District will provide OCR a draft of the modified UCP. Incorporating OCR's input, which will be provided within 20 calendar days of receipt of the draft, the District will finalize the modified UCP and provide OCR a final copy. By the same date, the District will distribute the modified UCP to District and site-level administrators, will amend UCP notices as necessary, and will report these actions to OCR.

Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement in compliance with Section 504, and Title II.

The District understands that, by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this 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 of this agreement and is in compliance with Section 504 and Title II.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____

Mr. Jose Banda, Superintendent

_____02/04/2015_____

Date