

Board Office Use: Legislative File Info.	
File ID Number	20-1433
Introduction Date	8/12/20
Enactment Number	20-1175
Enactment Date	8/12/2020 os



**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Memo

To Board of Education

From Josh Daniels, General Counsel
Andrea Epps, Deputy General Counsel

Board Meeting Date August 12, 2020

Subject Resolution Agreement, Office for Civil Rights Matter Number 09-19-1027

Action Requested Approval by the Board of Education of the Office for Civil Rights Resolution Agreement for Matter No. 09-19-1027.

Background and Discussion A complaint was filed with the United States Department of Education, Office for Civil Rights (“OCR”) that alleged discrimination on the basis of disability. The District met with OCR’s attorneys to finalize a resolution agreement to resolve the matter.

Attached is the resolution agreement. The system-wide changes that the District has agreed to are: (1) Provide training on the District’s obligations to provide a FAPE to students with disabilities under Section 504 to all administrators, faculty, staff responsible for ensuring that individualized education programs (“IEPs”) and Section 504 plans are implemented; (2) Provide training on disability-based harassment and the District’s obligations in responding to such harassment; (3) Assess the use, reliability, and overall effectiveness of the discipline record-keeping system; and (4) Identify a strategy to monitor the effectiveness of the District’s discipline record-keeping system.

Fiscal Impact N/A

Attachment(s) Board Resolution 2021-0021
Resolution Agreement

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**RESOLUTION
 OF THE
 BOARD OF EDUCATION
 OF THE
 OAKLAND UNIFIED SCHOOL DISTRICT
 NO. 2021-0021**

**Agreement to Resolve United States Department of Education, Office for Civil
 Rights Matter Number 09-19-1027**

WHEREAS, under the authority of Title VI of the Civil Rights Act of 1964, the US Department of Education, Office for Civil Rights (“OCR”) initiated an investigation to determine whether the District discriminated against a student on the basis of student’s disability; and

WHEREAS, pursuant to OCR’s Case Processing Manual, OCR has the authority to resolve this compliance review by means of a resolution agreement before the conclusion of the investigation; and

WHEREAS, without admitting to any violation of the law, the District voluntarily agrees to the following terms:

1. Provide training on the District’s obligations to provide a free appropriate public education (“FAPE”) to students with disabilities under Section 504 to all administrators, faculty, and staff who have responsibility for ensuring that student IEP and Section 504 plans are implemented, as well as the District level supervisors for these employees;
2. Provide training on disability-based harassment and the District’s obligations in responding to such harassment to all administrators, faculty, and staff who either have responsibility for responding to complaints of disability-based harassment or participate in or oversee the Section 504/IEP processes;
3. Assess the use, reliability, and overall effectiveness of discipline record-keeping system; and
4. Identify a strategy to monitor the effectiveness of discipline record-keeping system.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Oakland Unified School District does approve the agreement to resolve US Department of Education, Office for Civil Rights Docket No. 09-19-1027 by entering into the Resolution Agreement, which is attached hereto and incorporated by reference herein.

Passed by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSENTION: None

PREFERENTIAL RECUSE: None

AYES: Roseann Torres, James Harris, Gary Yee, Jumoke Hinton Hodge, Aimee Eng, Vice President Shanthi Gonzales, President Jody London

NOES: None

ABSTAINED: None

RECUSE: None

ABSENT: Student Director Pal, Student Director Ramos

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District, held on 8/12/2020.

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OAKLAND UNIFIED SCHOOL DISTRICT



Jody London
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

Resolution Agreement

Oakland Unified School District

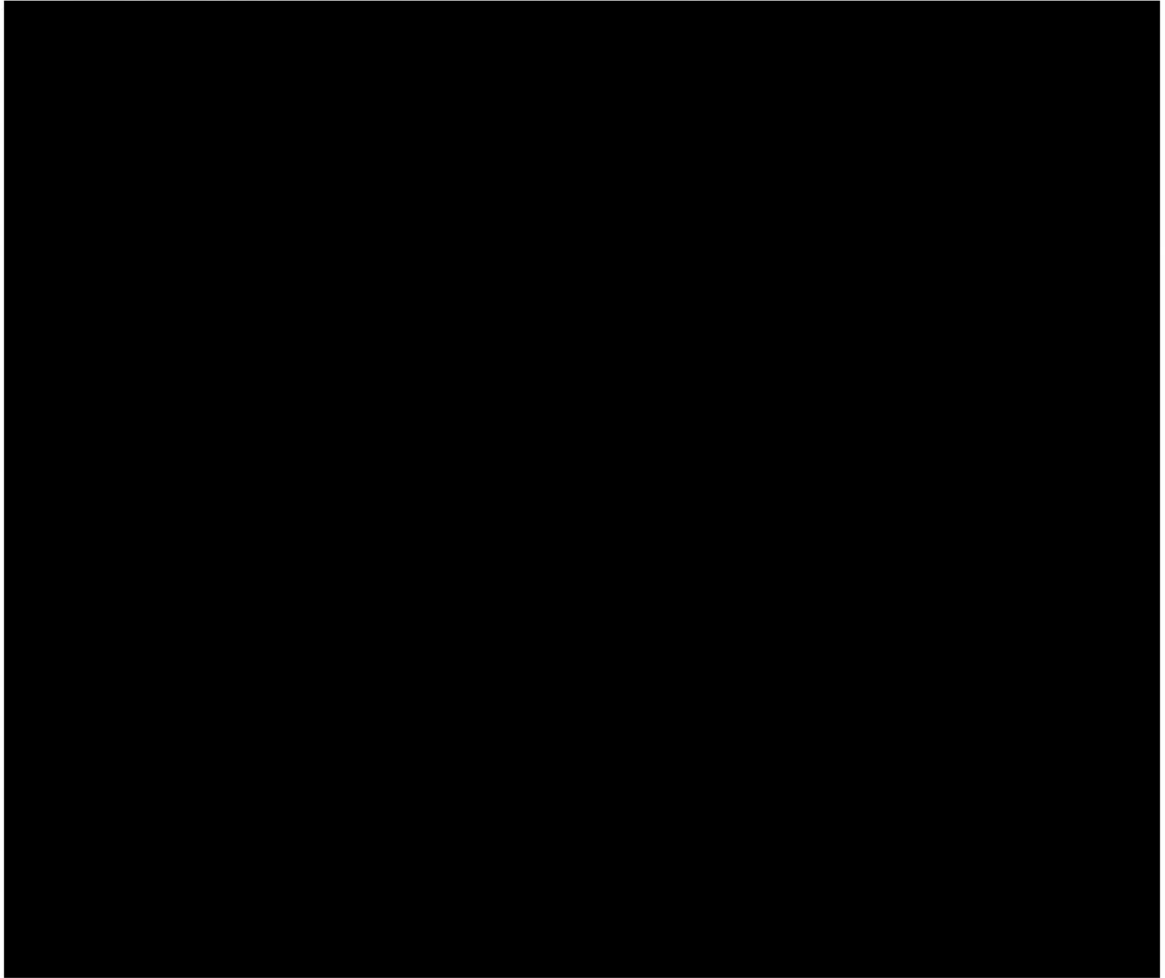
OCR Reference No. 09-19-1027

The Oakland Unified 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), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations in the above-referenced OCR case number.

I. Individual Remedies

REDACTED FOR STUDENT PRIVACY





II. District Employee Training

- A. The District will provide training on its obligations to provide a FAPE to students with disabilities under Section 504 to all administrators, faculty, and staff at the School who have responsibility for ensuring that student IEP and Section 504 plans are implemented, as well as the District level supervisors for these employees.

Reporting Requirement

1. By August 21, 2020, the District will submit for OCR review and approval training materials and the title/name of the proposed trainers, as described in Section II(A) of the Agreement, above.
2. The District will provide the training required in Section II(A) of the Agreement, above, by October 23, 2020. Within 15 days of providing the training required in Section II(A) of the Agreement, above, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the

required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

- B. The District will provide training on disability-based harassment and the District's obligations in responding to such harassment to all administrators, faculty, and staff at the School and District Office employees who either have responsibility for responding to complaints of disability-based harassment or participate in or oversee the Section 504/IEP processes.

Reporting Requirement

1. By August 21, 2020, the District will submit for OCR review and approval training materials and the title/name of the proposed trainers, as described in Section II(B) of the Agreement, above.
2. The District will provide the training required in Section II(B) of the Agreement, above, by October 23, 2020. Within 15 days of providing the training required in Section II(B) of the Agreement, above, the District will provide OCR with the following documentation: the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

III. Maintenance of Discipline Records

- A. The District will assess the use, reliability, and overall effectiveness of the School's discipline record-keeping system, including, ensuring that suspension days are clearly recorded, identifying if they are in-school or out-of-school suspensions, and based on that assessment, develop and implement a plan to correct any issues.
- B. The District will identify a strategy to monitor the effectiveness of the School's discipline record-keeping system.

Reporting Requirement

1. By October 2, 2020, the District will submit for OCR review and approval a report describing the discipline record-keeping system in place for the School and summarizing the steps it took to assess this system, its findings as to the system's use, reliability, and overall effectiveness, and to the extent that it identifies any issues, its plan for correcting them, as described in Section III(A) of the RA, above.
2. Within 60 days of OCR approval, the District will provide OCR documentation confirming that it has implemented the plan described in Section III(A)(1) of the RA, above.

3. By October 2, 2020, the District will submit for OCR review and approval, its strategy to monitor the effectiveness of the School's discipline record-keeping system described in Section III(B) of the RA, above.
4. Within 60 days of OCR approval, the District will provide OCR documentation confirming that it has implemented the strategy described in Section III(B) above.
5. By May 28, 2021, the District will provide OCR with an implementation report regarding the effectiveness of the School's discipline record-keeping system described in Section III(B) of the RA, above.

The District understands that by signing the resolution 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 resolution 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 resolution 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 resolution agreement and/or the applicable statutes and regulations. 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.

OAKLAND UNIFIED SCHOOL DISTRICT



Jody London

President, Board of Education



Kyla Johnson-Trammell

Superintendent and Secretary, Board of Education

Approved as to form 6/18/20



Deputy General Counsel