

RESOLUTION AGREEMENT
XXXX Charter School
Case Number 11-13-1XXX

XXXX Charter School (the School) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint Number 11-13-1XXX. Resolution of these issues does not indicate that the School is in compliance with Section 504 of the Rehabilitation Act, or Title II of the Americans with Disabilities Act. This Agreement does not constitute an admission by the School of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990.

School-wide Remedies

1. By February 18, 2014, the School will submit to OCR for review and approval a proposed School policy regarding the use of restraint, consistent with the U.S. Department of Education's *Resource Document: Restraint and Seclusion*.¹

REPORTING REQUIREMENT: Within 40 days of OCR's approval of the School's policy, the School will submit documentation indicating that the approved revised policy has been officially adopted by the School and demonstrate that the policy has been disseminated using its standard methods for disseminating new information that is important to students, parents/guardians, employees, and other members of the public, including but not limited to publication on the School's website.

2. The School will ensure that the new policy implemented pursuant to Provision 1 above is disseminated to all certificated staff in the School and to any support staff that would have responsibility for supervising special needs students. The School will provide a review of the new policy at a staff meeting prior to March 31, 2014.

REPORTING REQUIREMENTS: By May 1, 2014, the School will provide OCR with a description of how the new policy was disseminated to staff members, documenting that the policy has been reviewed in a staff meeting at each school.

3. The School will provide policy training to all staff members who interact with students with disabilities regarding the appropriate use of restraint techniques consistent with the newly adopted policies.

REPORTING REQUIREMENT: By August 31, 2014, and annually thereafter until such time as OCR closes the monitoring of this Agreement, the School will provide OCR with documentation demonstrating implementation of the training for required staff, including documentation that the required staff completed the training, and a copy of the training materials.

¹ "Restraint and Seclusion: Resource Document" is available at www.ed.gov/policy/restraintseclusion.

4. Within 45 days of signing this agreement, OCR or the North Carolina Department of Public Instruction (DPI) will conduct training for School staff concerning:
 - the provision of a free appropriate public education (FAPE);
 - consideration of different placement options beyond the School, such as placements in self-contained classrooms in traditional school districts, private placements, or other placement options;
 - the appropriate composition of Individualized Education Program (IEP) and Section 504 teams;
 - when a new or further evaluation of a student with a disability is required;
 - the necessity to conduct an evaluation prior to significant changes in placement either to a more restrictive setting or a disciplinary removal;
 - the development of appropriate behavior plans, including the individuals who should be involved in developing such plans;
 - available options when a parent will not consent to a change in placement;
 - considerations related to contacting the police to address outbursts from a student with a behavioral disability.

REPORTING REQUIREMENTS: If the training is not provided by OCR, by April 1, 2014, the School will provide OCR a copy of all handouts from the training, a list of staff members that attended the training, and the name and qualifications of the DPI staff member who provided the training.

Student Remedies

5. Within 20 days of signing the agreement, the School will hold a meeting to begin the evaluation process for the Student. This meeting will include an independent specialist or specialists knowledgeable about behavioral problems, evaluation (an independent child/school psychologist), and social issues (social worker) (collectively, these professionals will be referred to as “Independent Specialists” in this Agreement). Additionally, a knowledgeable individual from the Student’s current school will also be included. The team will determine what evaluations are needed to assess the Student’s emotional and behavioral needs. The Resolution Letter and Resolution Agreement for this complaint will be among the documentation considered by the team. The final evaluation must be completed within 60 days of the initial meeting. If the Complainant does not agree to give the Independent Specialists access to the Student, the School will notify OCR within 2 business days so that OCR can approve an alternate plan for evaluation.

REPORTING REQUIREMENTS: Within 25 days of signing this agreement the School will provide OCR a copy the evaluation plan for the Student and notes from the initial evaluation meeting, including a list of all attendees. The School will also provide a copy of the credentials of each Independent Evaluator selected.

6. Upon completion of the evaluation in Provision 5, and no later than 80 days after the signing of this agreement, the Student's IEP team, including the Independent Specialists and a knowledgeable individual from the Student's current school, will convene to develop an IEP for the Student. This IEP will provide an appropriate placement for the Student. The team will address if and how the Student should be restrained, consistent with the revised policy regarding the use of restraint developed pursuant to Provision 1 of this Agreement. This meeting may require participants from different placement options, such as a private residential or day treatment facility. This placement must be available to the Student within 90 days of signing this agreement and be made available at no cost to the Student's family, including any related costs such as transportation. The School will send the Complainant a copy of the proposed IEP within 2 days of the meeting and provide her 10 days to decide whether to accept the placement offer.

REPORTING REQUIREMENT: Within 80 days of the effective date of this Agreement, the School will send OCR copies of all evaluations of the Student and a copy of and notes from his new IEP meeting, including a list of attendees. The School will also provide OCR with a copy of its correspondence with the Complainant regarding the proposed IEP and placement for the Student.

7. The School will provide the Complainant with compensation for the Student's counseling related his treatment, including the multiple instances of restraint, at the School. The reimbursement will be for her verified, out-of-pocket expenses for past counseling sessions for the Student, as well as any future counseling sessions within one year of this agreement. The amount of reimbursement will not exceed \$2,000.00 and will be based on written documentation from the Student's current private counselor detailing how much therapy the Student has required, and still requires, regarding his time at the School and the costs associated with this counseling as well as account statements, explanations of benefits, or other necessary documentation of the Complainant's out-of-pocket expenses.

REPORTING REQUIREMENT: Within 60 days of the effective date of this Agreement, the School will send OCR copies the counselor's statement, the documentation of out-of-pocket expenses provided by the Complainant, and documentation of payments for the Student's counseling. Every 60 days thereafter the School shall provide documentation of payments for the Student's counseling for the year following the execution of this Agreement or until the Student's counselor deems there is no further counseling required for the Student regarding his time at the School.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which were at issue in this case.

The School 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.

The School 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 School understands that during the monitoring of the Agreement, if necessary, OCR may visit the School, interview School employees and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this case.

For XXXX Charter School:

_____/s/	_____ 1/24/2014
Name	Date
Title	