

**RESOLUTION AGREEMENT**  
**Franklin Northwest Supervisory Union**  
***OCR Complaint No. 01-17-1343***

The Franklin Northwest Supervisory Union (the District) enters into this agreement to resolve the allegations in the above-referenced complaint. The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by the U. S. Department of Education, Office for Civil Rights (OCR). The District hereby agrees to take the following actions.

**Action Item 1:**

The District will develop and/or revise policies and procedures regarding the evaluation, identification, and placement of students in accordance with the requirements of Section 504 (the Section 504 Policy), and will implement such Policy. Specifically, the District's Section 504 Policy must include the following items:

- Evaluation procedures that include standards and procedures for the timely evaluation and placement of students who because of their disability need or are believed to need special education or related services under Section 504, in compliance with 34 CFR § 104.35(a) and (b).
- Placement procedures that set standards and procedures for interpreting evaluation data and making placement decisions, in compliance with 34 CFR § 104.35(c).
- Reevaluation procedures that provide for the periodic reevaluation of students who have been provided special education and related services under Section 504, in compliance with 34 CFR § 104.35(d).
- Procedural safeguards that include notice, an opportunity for parents/guardians to review relevant records, an impartial hearing with opportunity for participation by the student's parents/guardians, representation by counsel, and a review procedure, in compliance with 34 CFR § 104.36.

In addition to the foregoing, the Section 504 Policy must include the following provisions:

- A statement that the regulations implementing Section 504 and Title II require that the District identify and evaluate students with disabilities within its jurisdiction who need, or are believed to need, related aids and services, because of a disability that impacts a major life activity, in order to receive the same access to a free, appropriate public education as is provided to students without disabilities. Administrators must not modify or terminate services or change the placements of students who have been determined to be eligible for Section 504 plans, without first convening a group of person knowledgeable about the student (Team) who will make a collective decision about the changed requirement;

- A statement that the aids and services specified by a Section 504 plan must be provided to students, unless modifications to the plan are determined appropriate by the Team;
- A statement that a determination to change a student’s placement to a more restrictive environment (i.e., home tutoring) must be made by a duly convened Team, who will consider whether a student is unable to remain in the regular educational environment, even with the use of supplementary aids and services; and
- A statement that personnel responsible for implementing a student’s Section 504 plan are to be notified of the requirement that a meeting be held before any modifications to a student’s Section 504 plan take place, or a student’s services are changed or discontinued, or the student is placed in a more restrictive setting.

**Reporting Requirement:**

- (a) By July 1, 2018, the District will provide for OCR’s review and approval a draft of the Section 504 Policy.
- (b) Within thirty (30) calendar days of OCR’s written approval of the Section 504 Policy, the District will provide written notice to OCR that the District has formally adopted the Section 504 Policy and electronically disseminated the Section 504 Policy to students, parents/guardians, and employees. The District will also provide OCR the following documentation:
  - i. Evidence of the electronic dissemination of the Section 504 Policy; and
  - ii. A copy of any publications or a link to any website containing the Section 504 Policy.
- (c) By September 30, 2018, a copy of minutes from team meetings conducted from the date of the inception of the Section 504 Policy, on or after July 1, 2018, to September 30, 2018.

**Action Item 2:**

The District will provide training for District administrators and Section 504 Coordinators, with respect to the above-referenced requirements in Action Item 1. Training is to be conducted by an individual (Trainer) with expertise in FAPE.

**Reporting Requirement:**

- (a) The District will provide the Trainer(s)’s credentials and the training materials for the training identified in Action Item 2 to OCR for review and approval no fewer than 30 calendar days prior to the training.

- (b) The District will provide OCR with documentation that it conducted the training identified in Action Item 2 by September 30, 2018. This documentation will include, but will not be limited to, the date(s) of the training; the agenda and attendance sheets from the training. The attendance sheets shall include the names, titles/positions, and signatures of all staff who attended or participated in the training.

**Action Item 3:**

By June 30, 2018, the District will convene a team to determine whether the failure to promptly evaluate the Student resulted in the denial of a FAPE for the Student and if so, what compensatory and/or remedial services, if any, will be provided to the Student to remedy said denial of FAPE. The services, if any, will be provided by a school psychologist or behaviorist, and may be provided at the Student’s current school, or another location mutually convenient to the District and the Complainant.

**Reporting Requirement:**

By September 30, 2018, the District will provide documentation: (i) regarding the team’s decision, including the date of the meeting, names and title of attendees, and the basis for the decision; and (ii) demonstrating that it provided the services described in Action Item 3.

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 are necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District’s satisfaction of the commitments under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District’s representative below.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Superintendent

Date: April 2, 2017