

Resolution Agreement (#01-18-1157)
Franklin School District

The Franklin School District enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve part of the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District with regard to the issues raised, or any of the matters in this agreement on which OCR is not making a finding.

The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and public entities, respectively.

1. By September 15, 2018, the District will convene meetings consistent with the applicable requirements of Section 504 for the two students who were the subject of this complaint (Student A and Student B), for the purpose of determining the proper related aids and services to be provided to the students, including whether or not the students may need assistance with XXXXX in the 2018-2019 school year. The District will document and incorporate the accommodations as appropriate into the students' respective health plans. The District may seek clarification from the student's physicians concerning any proposed accommodations that are unclear regarding XXXXX; however, if the District is unable to obtain such clarification, it still will at all times comply with Section 504 with regard to the provision of related aids and services to Student A and Student B.

Reporting Requirement: By October 1, 2018, the District will provide to OCR a report of the meetings held for each student along with all documentation of the agreed upon individualized health plan.

2. For the 2018-2019 school year, if required by the students' health plans, the District will continue to maintain logs of XXXXX for Student A and Student B.

Reporting Requirement: By July 1, 2019, the District will provide OCR with the XXXXX logs maintained by the nurses' office for Student A and Student B.

3. Upon development of the plans referenced in Item #1, the District will advise all staff who interact with the students about the terms of their respective health plans, as well as their obligations to implement them as written. The District will provide to these staff members appropriate training about the implementation of the health plans.

Reporting Requirement: By October 1, 2018, the District will provide OCR with the information showing this item has been implemented including documentation regarding any training provided.

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 made 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 shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent Sara Ahern

Date