

RESOLUTION AGREEMENT

Case No. 02-16-1510 Arlington Central School District

In order to resolve Case No. 02-16-1510, the Arlington Central School District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

This Resolution Agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Title VI.

Action Item 1: Documenting Use of Physical Restraint and Notifying Parents/Guardians

The District will ensure that it documents all instances of physical restraint of District students, consistent with District policy, including the use of restraint by behavior consultants or specialists; and, that documentation of these restraints is maintained in accordance with District policy. In addition, the District will ensure that it promptly notifies parents/guardians of the use of physical restraint, consistent with District policy. To that end, by March 25, 2017, the District will issue a memorandum to all District staff reminding them of the requirements regarding documentation of physical restraint and notification of parents/guardians; and, issue a memorandum to any consultants or specialists who are not District employees requiring them to utilize the District's Emergency Intervention Incident Report to document restraints. The District will monitor schools to ensure that all restraints are documented and that parents/guardians are notified of the use of physical restraint.

Reporting Requirements:

- a) By March 31, 2017, the District will submit to OCR copies of the memoranda issued in accordance with Action Item 1.
- b) By July 31, 2017 and July 31, 2018, the District will provide documentation to OCR demonstrating that schools are, as of the date of the above memorandum, documenting all instances of physical restraint of District students consistent with District policy, including the use of physical restraint by behavior consultants or specialists, and notifying parents/guardians of the use of physical restraint. The documentation will include, at a minimum, for each student who was physically restrained, the Emergency Incident Report Form, indicating the name of the student; the location of the incident; the name of staff involved; a description of the incident and emergency intervention used, including duration; details of any injuries sustained by the student or others,

including staff, as a result of the incident; any medical treatment; and, how the parent/guardian was notified of each incident.

Action Item 2: Training Regarding Use of Physical Restraint

By April 15, 2017, and April 15, 2018, the District will provide training to all District staff, including any consultants or specialists retained by the District to work with District students, who are authorized to perform physical restraints. The training will include information regarding the obligation to document the use of physical restraint in accordance with District policy and to promptly notify the student's parent/guardian of any instance of physical restraint.

Reporting Requirement: By April 22, 2017, and April 22, 2018, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; (d) a description of the content, scope, and duration of the training provided; and, (e) copies of any training materials disseminated.

Action Item 3: Provision of Translated Documents

The District will ensure that schools provide appropriate school-related information to the parents who are limited English proficient (LEP) in the language they understand, consistent with District policy. To that end, by April 5, 2017, the District will develop a procedure to ensure that information obtained in the Home Language Questionnaire (HLQ) is effectively shared with school administrators and that District/school staff notify any parent/guardian who indicates on a HLQ that he or she would like to receive school-related information in a language other than English of the procedure for requesting and obtaining translated documents from the District and/or school. The District will monitor schools to ensure that the schools are translating appropriate school-related information for LEP parents in the language they understand, consistent with District policy.

Reporting Requirements:

- a) By April 10, 2017, the District will submit to OCR, for review and approval, its proposed procedures consistent with Action Item 3.
- b) Within sixty (60) days of OCR's final approval of the procedures, the District will submit to OCR documentation demonstrating that the procedures have been adopted and were disseminated to all District staff members involved in reviewing, processing or implementing the HLQ, including building administrators, teachers, office staff and district-level staff.
- c) By July 31, 2017 and 2018, the District will provide, for each school, a list of parents/guardians who indicated on the District's HLQ that they spoke a language other than English; and, documentation demonstrating that the school provided

appropriate school-related information to each of these parents/guardians in the language they understand.

Action Item 4: Training Regarding Provision of Translated Documents

By June 30, 2017, and June 30, 2018, the District will provide training to all District staff involved in reviewing or processing the HLQ, including building principals, regarding: (a) the procedures adopted pursuant to Action Item 3 above; (b) the District's obligations to provide language assistance services to LEP parents/guardians; and (c) the procedures for requesting and obtaining translation and interpretation services for LEP parents/guardians.

Reporting Requirement: By July 31, 2017, and July 31, 2018, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 4 above, including: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

Action Item 5: Student-Specific Actions

By April 1, 2017, the District will convene a group of people knowledgeable about the Student to determine if the Student requires remedial and/or compensatory services as a result of the number of times he was physically restrained during the XXXXXX XXXX semester and/or as a result of the failure to provide translated documents to the complainant from XXXXXXXX to XXXXX XXXX during the XXXX-XXXX school year. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond September 30, 2017. The District will also provide documentation to OCR demonstrating that the District provided appropriate school-related information to the complainant in XXXXXXXXX and that any physical restraints of the Student were documented and reported to the complainant.

Reporting Requirements:

- a) By April 8, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referred to in Action Item 5 above, including a determination regarding the number of times the Student was physically restrained from XXXXXX to XXXX XXXX; an explanation for decisions made regarding remedial and/or compensatory services; and, a description of and schedule for providing remedial and/or compensatory services, if any, to the Student.
- b) By October 15, 2017, if remedial and/or compensatory services are offered to the Student, the District will provide documentation to OCR demonstrating that it provided the Student with the services or made the services available to the Student. The documentation will include the dates, times, and locations of the services

provided; a description of the services provided; and the name(s) of the service provider(s).

- c) By July 31, 2017 and 2018, the District will provide documentation to OCR demonstrating that the District provided appropriate school-related information to the complainant in XXXXXXXX.
- d) By July 31, 2017 and 2018, if the Student was physically restrained during the preceding school year while attending a District program, the District will provide documentation to OCR demonstrating that the use of physical restraint was documented and that the complainant was notified of the physical restraint, consistent with District policy.

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 and is in compliance with Title VI and its implementing regulation, at 34 C.F.R. §§ 100.3(a) and (b), Section 504, and its implementing regulation at 34 C.F.R. §§ 104.33(a), 104.33(b) and 104.36, and the ADA and its implementing regulation at 28 C.F.R. §§ 35.130(a) and (b), which were at issue in this case. 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 Title VI and its implementing regulation at 34 C.F.R. §§ 100.3(a) and (b), Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33(a), 104.33(b) and 104.36, and the ADA and its implementing regulation at 28 C.F.R. §§ 35.130(a) and (b), which were at issue in this case. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or Designee
Arlington Central School District

__3/20/17_____
Date