

**RESOLUTION AGREEMENT**  
**Harlem Unit School District #122**  
**Case Number 05-14-1350**

Harlem Unit School District #122 (District) submits the following agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), in resolution of the above-referenced OCR complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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, 42 U.S.C. §§ 12132-12134, and its implementing regulation at 28 C.F.R. Part 35.

1. By October 31, 2017, the District will review and revise its policies regarding the use of restraint and seclusion in District schools. The District will ensure that its restraint and seclusion policies are equitable to students with disabilities and that staff use appropriate restraint and seclusion techniques, including appropriately documenting incidents of restraint and seclusion.

**REPORTING REQUIREMENT:** By October 31, 2017, the District will provide OCR with the proposed District policies regarding the use of restraint and seclusion, for OCR's review and approval. Within 45 days of OCR's approval of the District's policies, the District will submit documentation demonstrating that the approved revised policies have been officially adopted by the District and disseminated to all administrators and staff that would have responsibility supervising students with disabilities and for carrying out the restraint and seclusion policies. The District will also submit documentation demonstrating that the District's policies regarding the use of restraint and seclusion are published on the District's website.

2. Within 45 calendar days of receipt of notice of OCR's approval of the policies referenced in item #1, the District will provide training on the District's policies regarding the use of restraint and seclusion to all administrators and staff responsible for implementing the policies, as well as to all staff members responsible for developing Individual Education Plans (IEPs) and Section 504 plans for students in the District. The training will include the following: the requirements of Section 504, including the provision of FAPE and the prohibition against disparate treatment; the District's policies on the use of restraint and seclusion, including requirements for documenting incidents of restraint and seclusion; and the appropriate use of restraint and seclusion techniques.

**REPORTING REQUIREMENT:** Within 30 days after the completion of this item, the District will submit to OCR documentation that it provided all administrators and staff members responsible for implementing the District's restraint and seclusion policies, as well as to all staff members responsible for developing Individual Education Plans (IEPs) and Section 504 plans, with the required training, including the dates of the training, the names and titles of the trainer(s), a copy of the materials used or distributed during the

training, and a sign-in sheet with the names and titles of staff who attended the meeting.

- 3. By October 16, 2017, the District will send a written offer to the parent to convene an IEP meeting to determine whether compensatory services are necessary to address any lingering negative effects Student A experienced because of the incident. If the parent declines, or does not respond to the District’s offer, no meeting will be held. If the parent accepts the offer and, if the team determines compensatory services are needed, the team will develop a plan to provide such compensatory services.

**REPORTING REQUIREMENT:** By October 31, 2017, the District will submit to OCR documentation demonstrating its compliance with this item.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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, 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 University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.4 and Title II at 28 C.F.R § 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District 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 or judicial proceedings to enforce the specific terms and obligations of this 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 or Designee  
Harlem Unit School District #122

\_\_\_\_\_  
Date