

**Resolution Agreement
Fargo Public Schools
Case Number 05-18-1287**

The Fargo Public Schools (District) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the remaining allegation in the above-referenced 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 (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 and public entities, respectively.

The District agrees to the following:

1. By December 14, 2018, the District will modify the Student Restraint Policy (AP 6250) to ensure that it includes adequate record-keeping requirements to properly document all incidents of student restraint. At a minimum, the District shall ensure that its policy:
 - a. Requires staff to ensure that the Student Restraint Report form is fully completed in each instance of a student restraint. Reports will document parental notification of the incident. Reports will also specifically detail the student's conduct and the surrounding circumstances that necessitated the restraint, when warranted, the techniques used to de-escalate the situation prior to using restraint, a description of the restraint used, the length of time of the restraint and the justification therefore, names and titles staff members involved in the restraint and debrief meeting, and all actions taken by the District after the restraint designed to reduce repeated use of restraint (for example, discussions of different supports and strategies to address student behaviors, any meetings of the student's IEP team to consider services and/or placement issues, any corrective measures taken and/or disciplinary sanctions issued to employees for violations of AP 6250, etc.).
 - b. Requires the District to maintain for a minimum of three years the Student Restraint Report form and all documentation related to each incident of student restraint.

REPORTING REQUIREMENT: By December 14, 2018, the District will provide OCR a copy of the revised Student Restraint Policy.

2. By January 18, 2019, the XXXXX XXXXX XXXXX XXXXX School (School) will provide effective training to all staff who are trained in crisis prevention and intervention (CPI) and are authorized to restrain students. The training will review the District's revised Restraint Policy (AP 6250), including requirements for contacting parents and other follow-up procedures and the reporting requirements for adequately documenting incidents or events of restraint. The training will also review the District's Student Restraint Report form, including information on where the form can be accessed, a reminder that all fields of the form must be

completed and that, as appropriate, the forms should serve as a source of data to develop a student profile or an education program for students. Further, the training will include how the School's use of restraint on a students identified as a student with a disability could be evidence that the student's current array of regular or special education and related aids and services is not addressing the student's needs, and if so, whether different or additional approaches or services to address the student's needs are necessary.

REPORTING REQUIREMENT:

By January 18, 2019, the District will provide OCR documentation demonstrating its implementation of item #2. Specifically, the District will provide OCR the names and titles of the individuals who attended the training session(s), sign-in sheet(s) for the training session(s), the date(s) and time(s) the training session(s) occurred, the name(s) of the individual(s) who conducted the training session(s), and copies of the agenda and other materials disseminated at the training session(s).

3. By December 14, 2018, after providing proper notice to the Complainant, the District will convene a group of persons knowledgeable about Student A, (*i.e.*, Student A's XXX team) to determine whether Student A was denied a FAPE during the XXXXX XXXX semester in connection with Student A's XXXXX, the XXXXX XXXXX XXXXX Student A and its effects on Student A's XXXXX XXXXX XXXXX, and the delay by the School in initiating and completing Student A's XXXXX XXXXX XXXXX. The XXX team will consider whether the provision of compensatory services and/or remedial measures to Student A is warranted.

REPORTING REQUIREMENTS:

- a. By December 14, 2018, the District will provide OCR documentation demonstrating its implementation of item #3. Specifically, the District will provide a copy of notice provided to the Complainant regarding the meeting as well as a written copy of Student A's XXX team's decision as to whether compensatory services and/or remedial measures were or were not warranted for Student A. In the event the group determines that compensatory services and/or remedial measures are warranted, the District will provide OCR a written description of those services. In the event the group determines that compensatory services and/or remedial measures are not warranted, then the District will provide OCR with an explanation of the group's decision and documentation supporting the determination. The District will also provide OCR with a list of meeting participants (by name and title), the meeting summary notes, and a copy of the procedural safeguards that it provided to the Complainant notifying her of her right to challenge the team's decision through due process. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b. If warranted, by April 1, 2019, the District will provide documentation to OCR demonstrating that it has provided the compensatory services and/or remedial

measures that Student A's XXX team determined necessary to ensure that Student A received a FAPE. To the extent applicable, the documentation should include the dates, times, and services that were provided and the name(s) of the service provider(s).

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 and/or School, 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. 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 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 sixty (60) calendar days to cure the alleged breach.

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

Mr. Rupak Gandhi, Superintendent
On Behalf of the District

Date