

RESOLUTION AGREEMENT
Fargo Public Schools
OCR Docket No. 05-19-5001

Fargo Public Schools (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) in resolution of OCR Docket #05-19-5001. The District submits this Agreement to ensure its compliance with 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, with respect to the issue raised in this compliance review. The District agrees to the following:

I. STUDENT REMEDIES

1. For students with and without identified disabilities who were subjected to restraints during the compliance review period, which was the 2017-2018 and 2018-2019 school years, as identified on Appendix A of this Agreement, the District will provide OCR with the basis and documentation supporting the District's assessment that it is not necessary to send written notice to the students' parents/guardians and to convene an Individualized Education Program (IEP)/Section 504 team meeting because, subsequent to the compliance review period, these students' needs were evaluated during their case conference meetings, the IEP/Section 504 team determined that the students are progressing academically, and the students have not been subjected to additional restraints.

REPORTING REQUIREMENT: By October 31, 2023, the District will provide OCR the information and documentation required under Item 1 of this section. In the event OCR disagrees with the District's assessment with respect to any of the students, OCR will inform the District of this conclusion and will require the District to provide written notice to said students' parents/guardians and will convene an IEP/Section 504 team meeting within 30 business days of receiving OCR's determination in the manner specified under Item 2 of this section.

2. For students with disabilities who were subjected to restraints from the start of the 2019-2020 School year until the date of this Agreement, as identified on Appendix B to this Agreement, the District will provide written notice to the students' parents/guardians and will convene an IEP/Section 504 team meeting by May 31, 2024. At the meeting, the District will:

- a. Invite the students' parents/guardians to share any concerns with the District's use of restraints;
- b. If needed, revise and/or more clearly define any provisions concerning restraints in the students' IEPs/Section 504 plans as appropriate to be consistent with a Section 504 compliant policy and to meet the individualized needs of students under Section 504;
- c. Determine whether any additional remedies or services are appropriate at this time to provide the students a FAPE under Section 504;

- d. Determine whether the number, duration, and/or nature of the instances of restraints to which the students were subjected from the start of the 2019-2020 school year until the date of this Agreement may have resulted in a denial of FAPE, and if so, what compensatory education and/or remedial services are necessary. In making this determination, the team will also consider:
 - i. the extent of missed instruction and/or related services during restraint incidents; and
 - ii. any instances in which the student was sent home early or required to stay home after a restraint incident;
- e. In the event the team determines that compensatory and/or remedial services are necessary:
 - i. The team will develop written plans for providing the student with any compensatory education and/or other remedial services deemed necessary;
 - ii. Any such plan will identify the type, frequency, and duration of services to be provided at no cost to the student's parents and/or guardians, the title and qualifications of the provider(s), and when the services will be provided;
 - iii. The plan will be included in a separate written agreement executed by the District and the student's parent or guardian and will become part of the student's special education record;
 - iv. The District will promptly offer an Agreement to the student's parent or guardian providing for access to and payment of the compensatory education and/or remedial services, and if the parent or guardian accepts such offer, will authorize the delivery of such services so they are promptly provided and completed within one (1) year.
- f. If applicable, within ten (10) business days of each student's IEP meeting or Section 504 team meeting, the District will provide the student's parents and/or guardians with a written Agreement detailing any written plan for providing the student with compensatory education and/or remedial services, including copies of agreements with outside parties contracted to provide such services, and written notification of the team's decision.

REPORTING REQUIREMENTS: By June 30, 2024, the District will submit to OCR documentation to demonstrate its implementation of Item 2 of this section, including:

- a. The names and titles of the individuals who attended the IEP / Section 504 meetings;
- b. A copy of any District notes of the meeting which shall include details and documentation regarding the team's determination whether any compensatory

education or remedial services are necessary. OCR will review the documentation submitted to ensure that the District met the requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35, and 104.36;

- c. Copies of the students' behavior intervention plans (BIPs), if applicable, and IEPs or Section 504 plans;
 - d. A copy of any plans for compensatory education and/or other remedial services;
 - e. Documentation of any input provided by the students' parents and/or guardians;
 - f. Copies of any notifications sent to the students' parents and/or guardians pursuant to Item 1(f) of this section;
 - g. Any other documentation relied on or relevant to the determinations reached in accordance with Item 1 of this section;
 - h. Should a team determine that compensatory education and/or other remedial services for a particular student are necessary, the District will provide OCR by May 31, 2025, with documentation that it provided all services deemed necessary in accordance with Item 1(e) of this section. If the District is not able to deliver the services as required, the District will provide OCR by May 31, 2025, with evidence of the District's reasonable efforts to provide these services to the student.
3. For students without disabilities who were subjected to restraints from the start of the 2019-2020 School year until the date of this Agreement, as identified on Appendix B to this Agreement, the District will refer the student to MTSS or the child-find process by October 31, 2023, to discuss whether the restraints to which the student was subjected warrant an evaluation for special education and related services.

REPORTING REQUIREMENT: By December 31, 2023, the District will provide OCR will submit to OCR documentation to demonstrate its implementation of Item 3 of this section, including:

- a. The names and titles of the individuals who participated during the MTSS or child-find process discussion of a student's case; and
- b. A copy of any District notes of the MTSS or child-find process discussion which shall include details and documentation regarding the determination the District made after that discussion whether the student should be evaluated for special education and related services and the basis of that determination.

II. POLICIES AND PROCEDURES

1. By December 31, 2023, the District will review and revise, if necessary, its current policies and procedures regarding restraint and seclusion to include, at a minimum:

- a. Definitions of key terms, including but not limited to timeouts, physical escort, and safety devices;
- b. An explanation about how seclusion, mechanical restraint, physical restraint, and prone restraint are distinct from safety devices, physical escorts, and timeouts;
- c. A statement that restraint and seclusion will not be used on students with disabilities: (1) for behavior(s) that would not result in restraint or seclusion for students without identified disabilities; or (2) based on assumptions or stereotypes about disabilities or students with disabilities generally;
- d. A statement that the use of restraint and seclusion will not interfere with the right of student with a disability to receive a FAPE;
- e. The title, and contact information (phone number, office address, and e-mail address) of the District's Director of Compliance or qualified designee, and notice regarding the role and duties of the Director of Compliance in reviewing incidents of restraint and seclusion;
- f. A statement that the District's Director of Compliance or a qualified designee will review every incident involving the restraint and/or seclusion of a District student within a designated timeframe no longer than ten (10) business days;
- g. Instructions making clear that when multiple restraints and/or seclusions involving the same student occur on the same date, then any documentation forms and debriefing forms for those incidents must identify all prior incidents of restraint and seclusion of that student that occurred on the same date;
- h. Instructions regarding whether separate documentation forms and debriefing forms must be completed when a single incident involves a restraint and a seclusion of the same student;
- i. How forms will be disseminated and available to staff;
- j. A statement that the person who is primarily responsible for completing the documentation forms and debriefing forms must consult with staff members involved in the restraint and/or seclusion to confirm the accuracy of the information included in both forms;
- k. A statement requiring that notification of each restraint and seclusion be given to the District's Director of Compliance and a provision regarding how and when notification must be given; and
- l. The criteria the District will use to determine when, after instances of restraint or seclusion, the District will (1) refer the student to his/her IEP team or Section 504 team to determine whether the student should be reevaluated and if the student's current interventions and supports are sufficient or whether any changes are needed or (2) refer a student without an identified disability to MTSS or the child-find process to discuss

whether the student should be evaluated for special education and related services. Such criteria can include the following: (a) the number of restraints and/or seclusions the student was subjected to within a month; (b) the number of restraints and/or seclusions that took place in a school year and the timeframe within which they occurred; (c) the nature and length of each restraint and seclusion; (d) changes in the student's behavior(s) that results in the use or increased use of restraint and seclusion; (e) if applicable, the nature of the student's disability; (f) whether the student was restrained and/or secluded in violation of District policy (e.g., mechanical restraint); (g) whether the student requires compensatory services; and (h) any other factor that is relevant to these determination(s).

REPORTING REQUIREMENT: By December 31, 2023, the District will provide to OCR for its review and approval the draft of its revised policies and procedures. The District will fully address any changes OCR requires and will re-submit revisions to the policies and procedures within 30 business days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR's final approval of the revised policies and procedures.

Within 60 business days of receiving OCR's written approval of the revised policies and procedures, the District will provide to OCR documentation demonstrating that it has: (1) adopted the revised policies and procedures; (2) provided notification to students, families, and employees of the revised policies and procedures; and (3) developed a plan to publish the revised policies and procedures in District publications and on the District's website. Inserts may be used pending reprinting of publications.

2. By December 31, 2023, the District will develop or revise its policy and/or written guideline regarding non-disciplinary behavior-related dismissals or stay-home directives following restraint and/or seclusion incidents for students with a disability, consistent with the following:
 - a. The District may not require the parent or guardian to take a student home from school or keep a student home from school (or encourage the parent or guardian to do so) unless the student has been assigned a suspension or expulsion;
 - b. The District will refer the student to their IEP team or Section 504 team to discuss whether the restraint incident and the subsequent dismissal and/or stay-at-home directive warrant a re-evaluation of the student, which may include developing a functional behavioral assessment (FBA) and an accompanying BIP for that student. Any FBA and BIP must be properly completed by an appropriately trained professional and promptly implemented; and
 - c. The District will complete a report of the incident no later than the next school day that lists the name and grade of the student and describes the student's behavior, actions taken by school staff (including de-escalation strategies), why the District requested the parent or guardian come to school and/or keep the student home from school, the result (including whether the parent or guardian took and/or kept the student home, and when and how that occurred), and the District's action to ensure that the student was provided a reasonable opportunity to make up missed work.

REPORTING REQUIREMENT: By December 31, 2023, the District will provide to OCR for its review and approval the draft of its revised policy and/or written guideline. The District will fully address any changes OCR requires and will re-submit revisions to the policies and procedures within 30 business days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR's final approval of the revised policies and procedures.

Within 60 business days of receiving OCR's written approval of the revised policy and/or written guideline, the District will provide to OCR documentation demonstrating that it has: (1) adopted the revised policy and /or guideline; (2) provided notification to students, families, and employees of the revised policies and procedures; and (3) developed a plan to publish the revised policies and procedures in District publications and on the District's website. Inserts may be used pending reprinting of publications.

III. MAINTENANCE OF RECORDS

1. By December 31, 2023, the District will develop and implement a record-keeping system and procedures to ensure the following is documented with respect to each restraint and/or seclusion incident in an accurate, complete and timely manner:
 - a. The student's name or other identifier;
 - b. The student's school;
 - c. The student's grade level;
 - d. Whether the student is an identified student with a disability (i.e., has an IEP or a Section 504 plan);
 - e. The date of the restraint or seclusion;
 - f. The start time, end time, and total time of the restraint or seclusion;
 - g. Whether the student was secluded, restrained, or both, and a clear identification of the type of restraint, including a description of how the restraint or seclusion was conducted (i.e., for restraints, where staff were positioned and what they did during the restraint; whether the student was sitting, standing, lying down, etc.);
 - h. The name(s) and title(s) of any staff who witnessed, but were not directly involved in, the restraint or seclusion;
 - i. Whether the student or staff suffered any injury or required medical treatment as a result of the restraint or seclusion;
 - j. The location of the restraint or seclusion (e.g., cafeteria, auditorium, playground, sports field, parking lot, front office, hallway, specific classroom, school bus, etc.);

- k. If the student is a student with a disability, whether the student's IEP or Section 504 plan, including any Behavior Intervention Plan (BIP), was followed;
- l. The number of prior restraints and seclusions the student was subjected to during the school year;
- m. The activity or activities that the student missed during the restraint or seclusion (e.g., recess, lunch, a related service, special education, a specific general education class, a District or District-sponsored after-school program or activity, etc.);
- n. If the student is not identified as a student with a disability, whether the staff believes the behavior(s) that prompted the implementation of the restraint and/or seclusion warrant(s) referring the student for an evaluation;
- o. If the student is a student with a disability, whether the student's IEP team or Section 504 team needs to discuss follow-up actions (e.g., reevaluating the student, discussing compensatory education and/or other remedial services for the student, etc.);
- p. The date, time, and method of parent notification;
- q. The date, time, and method of administrator notification;
- r. The name(s) and title(s) of the person(s) completing the form;
- s. The date the form was completed; and
- t. The date when the report was reviewed by the District's Director of Compliance.

REPORTING REQUIREMENT: By December 31, 2023, the District will provide to OCR for its review and approval the draft of the record-keeping system and procedures developed in accordance with Item 1 of this section. The District will fully address any changes OCR requires and will re-submit revisions to its record-keeping system and procedures within 30 business days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR's final approval of the record-keeping system and procedures.

- 2. By December 31, 2023, the District will develop and implement a record-keeping system and procedures to ensure the following occurs and is documented in connection with time students spend in a District calming room:
 - a. A written record is created within 24 hours of the student's use of the calming room that includes, at a minimum, the following information: (i) the date, time, and duration of the student's visit to the calming room; (ii) whether the student elected to use the calming room or was directed to the calming room by District staff, and if so, the name and title of the referring staff member and the reason the student was directed to the calming room; (iii) the name(s) and title(s) of the staff member(s) supervising the student while she/he were in the calming room and the time(s) the staff member(s) supervised the student; and (iv) a description of the student's behavior and activities while in the calming room; and

- b. The written record is shared with the student's IEP, Section 504, or MTSS team, if applicable, to consider whether the student's referral to or use of a calming room indicates that the student's array of special education and related services, if any, is adequate to address and meet the student's educational needs, and if the student has not been identified as a student eligible to receive special education and related services, whether the student should be evaluated for such services under Section 504 or IDEA.

REPORTING REQUIREMENT: By December 31, 2023, the District will provide to OCR for its review and approval the draft of the record-keeping system and procedures developed in accordance with Item 2 of this section. The District will fully address any changes OCR requires and will re-submit revisions to its record-keeping system and procedures within 30 business days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR's final approval of the record-keeping system and procedures.

- 3. By December 31, 2023, the District will develop and implement a record-keeping system and procedures to ensure the following is documented with respect to the use of behavior interventions prescribed by the Ukeru system to de-escalate a student's behavior in an accurate, complete and timely manner:
 - a. The student's name or other identifier;
 - b. The student's school;
 - c. The student's grade level;
 - d. Whether the student is an identified student with a disability (i.e., has an IEP or a Section 504 plan);
 - e. The date of the use of Ukeru interventions;
 - f. The start time, end time, and total time of Ukeru interventions;
 - g. The name(s) and title(s) of staff directly involved in implementing the Ukeru interventions;
 - h. The name(s) and title(s) of any staff who witnessed, but were not directly involved in implementing the Ukeru interventions;
 - i. Whether the student or staff suffered any injury or required medical treatment as a result of the implementation of the Ukeru interventions;
 - j. The place in the building where the Ukeru interventions were implemented (e.g., cafeteria, auditorium, playground, sports field, parking lot, front office, hallway, specific classroom, school bus, etc.);
 - k. Description of the student's behavior(s) that precipitated staff's use of Ukeru interventions;

- l. A description of the Ukeru interventions used, including de-escalation strategy or strategies;
- m. If the student is a student with a disability, whether the student's IEP or Section 504 plan, including any Behavior Intervention Plan (BIP), was followed;
- n. The number of prior instances when staff had to use Ukeru interventions to manage the student's behavior during the school year;
- o. The activity or activities that the student missed during while Ukeru interventions were implemented to manage his/her behavior (e.g., recess, lunch, a related service, special education, a specific general education class, a District or District-sponsored after-school program or activity, etc.);
- p. If the student is not identified as a student with a disability, whether the staff believes the behavior(s) that prompted the implementation of Ukeru interventions warrant(s) referring the student for an evaluation;
- q. If the student is a student with a disability, whether the student's IEP team or Section 504 team needs to discuss follow-up actions (e.g., reevaluating the student, discussing compensatory education and/or other remedial services for the student, etc.);
- r. The date, time, and method of parent notification;
- s. The date, time, and method of administrator notification;
- t. The name(s) and title(s) of the person(s) completing the form;
- u. The date the form was completed; and
- v. If applicable, the date when the report was reviewed by the District's Special Education Director.

REPORTING REQUIREMENT: By January 31, 2024, the District will provide to OCR for its review and approval the draft of the record-keeping system and procedures developed in accordance with Item 3 of this section. The District will fully address any changes OCR requires and will re-submit revisions to its record-keeping system and procedures within 30 business days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR's final approval of the record-keeping system and procedures.

4. By January 31, 2024, the District will develop and implement a system and procedures to ensure District personnel submit accurate restraint and seclusion data to the CRDC in the future. In the process of the developing this system and procedures, the District will do the following:
 - a. Identify steps that it has taken to ensure data quality;

- b. Submit written correspondence to the CRDC including the correct data from 2015 and 2017; and
- c. Ensure that all District personnel charged with reporting data to the CRDC review the CRDC's Restraint & Seclusion Module.

REPORTING REQUIREMENT: By January 31, 2024, the District will provide to OCR for its review and approval the draft of the system and procedures developed in accordance with Item 4 of this section. The District will fully address any changes OCR requires and will re-submit revisions to its record-keeping system and procedures within 30 business days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR's final approval of the record-keeping system and procedures.

IV. MONITORING PROGRAM

- 1. By January 31, 2024, the District's Director of Compliance, or a qualified designee, will implement a monitoring program to assess the District's use of restraint and seclusion on a monthly basis. Each month, the District's Director of Compliance or a qualified designee will, at a minimum:
 - a. Review all incidents involving the restraint and seclusion of District students to determine if the use of restraint and/or seclusion reflected an individualized determination based on the student's need and was consistent with District policy, written instructions, and related training;
 - b. Analyze whether the behavior(s) that led to the restraint and/or seclusion of a student were part of a pattern of behavior(s) that should have led District staff to seek an evaluation or reevaluation of the student;
 - c. Determine whether District staff considered the impact of the restraint and/or seclusion on the student, and if this impact necessitated an evaluation or reevaluation of the student;
 - d. If applicable, assess if the student's IEP or Section 504 team considered whether the student's current regular or special education and disability-related aids and services provided the student with a FAPE; and whether the restraint and/or seclusion caused missed instruction and/or disability-related services resulting in the denial of a FAPE, and, if so, whether compensatory education and/or remedial services are necessary to address the denial of a FAPE;
 - e. Ensure students without identified disabilities subjected to multiple and/or prolonged restraints and/or seclusions are evaluated for disability if appropriate;
 - f. Review all restraint and seclusion documentation forms and debriefing forms to ensure that District staff properly complete the required forms;
 - g. Compile, evaluate, and analyze data collected (i.e., incidents of restraint and seclusion broken down by school, staff, grade level, program, etc.) to assess whether incidents of

restraint and/or seclusion have increased or decreased in number and duration and whether there are any particular location(s) or program(s) at the District where numerous incidents of restraint and/or seclusion occurred; and

- h. Identify concerns related to the District's use of restraint and/or seclusion, propose recommendations to address any concerns, and develop timelines for implementation of the recommendations.

REPORTING REQUIREMENT: By January 31, 2024, the District will provide documentation of its proposed monitoring program developed under Item 1 of this section to OCR.

By June 1, 2024, the District will provide documentation to OCR demonstrating that the District's Director of Compliance or a qualified designee, completed the monthly reviews referenced in Item 1 of this section. The District's report will identify all students who were subjected to restraint and/or seclusion during the time period reviewed, and for each such student specify: (a) the student's school, (b) whether the student is identified as having a disability; (c) the number of instances of restraint and/or seclusion, (d) whether any of those instances of restraint and/or seclusion resulted in physical injury to the student; (e) the total number of minutes that each student spent in restraint and/or seclusion during the school year; (f) whether the student was evaluated or reevaluated as a result of the use of restraint and/or seclusion, and if so, the date of the student's evaluation or reevaluation and whether the IEP or Section 504 Team determined the student needed compensatory education and/or other remedial services. If OCR requests any student records for students on the list, the District will provide such records within 30 business days of such request (e.g., documentation forms; debriefing forms; IEPs; Section 504 plans; BIPs; records of whether the incident(s) of restraint and/or seclusion of students without identified disabilities caused an evaluation to determine if the students qualified as individuals with a disability; and records of whether the incident(s) of restraint and/or seclusion of students with disabilities caused the students' IEP teams or Section 504 teams to reevaluate the students, whether the teams determined that the students required compensatory education and/or remedial services to address the denial of a FAPE, and if so, the compensatory education and/or remedial services provided to the students).

2. By January 31, 2024, the District's Director of Compliance or a qualified designee, will implement a monitoring program to conduct thorough inspections of, and make any necessary repairs or modifications to, calming rooms and spaces every semester to ensure that they are free of conditions that may result in or contribute to physical harm of students. The inspections will involve, at a minimum: each principal or a qualified designee, District's Director of Compliance or a qualified designee, and the District's Director of Facilities or a qualified designee.

REPORTING REQUIREMENT: By March 31, 2024, the District will provide documentation of its proposed monitoring program developed under Item 2 of this section to OCR.

Within 30 business days of the District conducting the inspections and, if necessary, the repairs, the District will submit to OCR: (i) videos and/or photographs taken during the inspections, including videos and/or photographs showing the rooms' floors, ceilings, walls, doors, windows,

light, and door knobs or handles, as well as any other objects or items in the room; (ii) documentation of the inspection, including who was present during the inspections, how the inspection was conducted, and what repairs or modifications were noted; (iii) documentation that any repairs or modifications were made, including videos and/or photographs; and (iv) a written plan to ensure regular, ongoing monitoring of the conditions of the rooms. The District will promptly and fully address OCR's feedback, if any.

V. TRAINING

1. Within 90 business days of OCR's approval of the policies and procedures developed in accordance with Items 1 through 2 of Section II and the record-keeping systems and procedures developed in accordance with Items 1 through 4 of Section III, and every year thereafter, the District will secure or assign trainers with expertise to provide training on the use of restraint and seclusion, and Section 504 and Title II to train the Assistant Director of Special Education, special education area service coordinators, principals, special education staff including teachers, paraprofessionals and case managers, MTSS interventionists, positive behavior interventionists and technicians on the following topics:
 - a. The requirements of Section 504's implementing regulation at 34 C.F.R. §§ 104.33-104.36 regarding the District's obligation to provide a FAPE to students with disabilities;
 - b. The necessity of making individualized determinations for all aspects of students' IEPs or Section 504 plans, as well as the necessity of fully implementing students' Section 504 plans and IEPs, and providing procedural safeguards to parents, including notice;
 - c. The definitions of restraint, seclusion, timeout, physical restraint, prone restraint, physical escort, mechanical restraint, and safety devices, identifying which practices are prohibited;
 - d. How to minimize the use of restraints;
 - e. Alternatives to restraints;
 - f. The safe use of restraints;
 - g. When a student without an identified disability is subjected to repeated and/or prolonged restraints and/or seclusions, how the student must be referred to MTSS or the child-find process to discuss whether the student should be evaluated for special education and related services;
 - h. How the restraint and seclusion of a student with a disability can result in the denial of a FAPE;
 - i. When a student's IEP team or Section 504 team must convene to address the repeated use of restraint to reevaluate the student, identify any additional necessary supports and services for the student, or determine appropriate compensatory services for a student denied a FAPE;

- j. The District’s restraint and seclusion policies and procedures and the record-keeping systems and procedures approved by OCR pursuant to Items 1 through 3 in Section II and Items 1 through 4 in Section III of this Agreement; and
- k. How District staff and parents can report concerns about the use of restraint and/or seclusion, including how and whether this use is being documented; the name(s), title(s), and contact information (phone number, office address, and e-mail address) to whom concerns should be reported; and how the District will respond.

REPORTING REQUIREMENT: Within 30 business days of providing the training required by Item 1 of this section, the District will provide OCR documentation of the training, including the dates of the training, name(s), title(s) and qualifications of the trainer(s), a copy of the materials used or distributed during the training, and a list of the personnel who attended the training.

- 2. The District will assess the effectiveness of the training referenced in Item 1 of this section and Item 3 of Section VI by conducting surveys of the individuals who attended the training. The surveys will specifically inquire about the knowledge the attendees acquired regarding the topics covered by the training.

REPORTING REQUIREMENT: By December 31, 2023, the District will provide OCR the surveys it proposes to use to assess the effectiveness of the training referenced in Items 1 of this section and Item 3 of Section VI. Within 30 business days of receiving the approval of OCR, the District will administer the surveys to the individuals who attended the training.

Within 60 business days of administering the surveys, the District will provide documentation to OCR of the results of the surveys and a description of any actions the District proposes to take in response should the results show that the individuals who attended training are not knowledgeable about the topics covered in their respective training.

VI. INVOLVEMENT OF SCHOOL RESOURCE OFFICERS (SRO) IN RESTRAINTS

- 1. By December 31, 2023, the District will review and revise, if necessary, its current policies and procedures regarding restraints and seclusions to include a statement that SROs or local law enforcement officers may be involved in managing student behavior only after District personnel trained in the use of restraint and seclusion were not able to manage a situation presenting an imminent danger of safety or physical injury to students, District staff or other members of the District community.

REPORTING REQUIREMENT: By January 31, 2024, the District will provide to OCR for its review and approval the draft of its revised policies and procedures. The District will review any changes OCR requires and will re-submit revisions to the policies and procedures within 30 business days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR’s final approval of the revised policies and procedures.

Within 60 business days of receiving OCR’s written approval of the revised policies and procedures, the District will provide to OCR documentation demonstrating that it has: (1) adopted the revised policies and procedures; (2) provided notification to students, families, and employees of the revised policies and procedures; and (3) developed a plan to publish the revised policies and procedures on the District’s website. Inserts may be used pending reprinting of publications.

2. By January 31, 2024, the District will consult with administrators, the Director of Compliance, the current SRO Sergeant, who will have solicited input from all building SROs to share with the District, and the Director of Education Justice, who will have solicited input from parents and students through the existing structure of the District’s Education Justice program, to review current practices regarding the relationship with and involvement of the SROs to manage student misconduct, and identify ways to minimize involvement of the SROs in incidents of misconduct that do not involve threats to safety or for conduct that can be safely and appropriately be handled by school personnel, and to provide clear guidance to school personnel on when and how such referrals should occur.

REPORTING REQUIREMENT: By January 31, 2024, the District will provide OCR a report listing ways to minimize involvement of SROs developed in accordance with Item 2 of this section.

3. By January 31, 2024, the District will train the SROs on the District’s disciplinary policies and procedures as well as its restraint and seclusion policies and procedures approved by OCR pursuant to Items 1 through 2 in Section II.

REPORTING REQUIREMENT: Within 30 business days of providing the training required by Item 3 of this section, the Corporation will provide OCR documentation of the training, including the dates of the training, name(s), title(s) and qualifications of the trainer(s), a copy of the materials used or distributed during the training, and a list of the individuals who attended the training.

4. By January 31, 2024, the District will consult with the SRO regarding its policy governing SRO access to educational records of students with disabilities, including the portions of the student’s IEP, 504 plan, or behavior plan that address accommodations or approaches related to behavioral concerns, under The Family Educational Rights and Privacy ACT (FERPA) (20 U.S.C. § 1232g; 24 CFR Part 99). This will include a discussion of the District’s practice that whenever an SRO is anticipated to be involved with a student with a disability, the District will make a staff member available to assist the SRO in understanding this information.

REPORTING REQUIREMENT: By January 31, 2024, the District will provide to OCR materials demonstrating its compliance with Item 4 of this section, including a copy of any policy (revised, if necessary).

GENERAL MONITORING PRINCIPLES

By signing this Agreement, the District understands that 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 and obligations of this Agreement. Additionally, the District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or Section 504, Title II, and their implementing regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

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

Superintendent
Dr. Rupak Gandhi

Date: