

Resolution Agreement OCR #05-21-2274
School District 45

School District 45 (District) submits the following agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), 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 issues raised in OCR complaint #05-21-2274.

The District agrees to the following:

1. By XXXXXXXXXXXX, the District will review, and revise if necessary, its Section 504 policies and procedures, including the District's Notice of Parents' Rights and relevant provisions in the Student Handbook, to ensure that the District adheres to the identification, evaluation, and placement requirements in the Section 504 regulation at 34 C.F.R. §§ 104.35 and 104.36, and complies with the District's obligation to provide a free and appropriate public education consistent with the Section 504 regulation at 34 C.F.R. § 104.33.

REPORTING REQUIREMENT: By XXXXXXXXXXXX, the District will submit the revised policies and procedures developed in accordance with Item 1 to OCR for review and approval.

2. Within 30 calendar days of written notification of OCR's approval of the revised policies and procedures developed in accordance with Item 1, the District will publish the revised policies and procedures on the District's website.

REPORTING REQUIREMENT: Within 30 calendar days of written notification of OCR's approval of the revised policies and procedures developed in accordance with Item 1, the District will provide OCR with a link to the revised policies and procedures on its website.

3. By XXXXXXXXXXXX, the District will have a qualified individual provide training to the District's administrators, principals, assistant principals, counselors, social workers, nurses, and any other personnel, excluding teachers, with responsibilities under Section 504 and Title II. Teachers will receive the training from a qualified individual by XXXXXXXXXXXX. The training will cover, at a minimum:
 - a. The definition of disability under Section 504 and Title II;
 - b. The District's responsibility to identify students with disabilities for referral for services and accommodations under Section 504 and Title II;
 - c. Evaluation and placement procedures, including reevaluation procedures, for students identified for referral for special education services, including procedural safeguards;

- d. The District's responsibility to provide a free appropriate public education (FAPE) to students with disabilities;
- e. How to respond when parents of students with disabilities make a request for a change in their student's placement; and
- f. The District's obligation to make reasonable modifications to policies, procedures, and practices when such modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

REPORTING REQUIREMENT: By XXXXXXXXXXXX, the District will provide OCR with documentation that it has provided the training required by Item 3 to the personnel listed above, excluding the District's teaching staff, including the dates of the training, names(s), title(s) and qualifications of the consultants(s); a copy of the training materials used during the training; and a list of the attendees by name and title. By XXXXXXXXXXXX, the District will provide OCR with the documentation listed above relevant to the training provided to the District's teaching staff.

- 4. By XXXXXXXXXXXX, the District will assess the effectiveness of the training referenced in Item #3 by conducting surveys of employees. The surveys shall specifically inquire about employees' knowledge of the District's responsibility to identify students with disabilities for referral for services and accommodations, the District's responsibility to provide a FAPE to students with disabilities, and how to respond when parents of students with disabilities make a request for a change in their student's placement consistent with Section 504 and Title II. By XXXXXXXXXXXX, the District will provide additional training to all employees if the training provided was not effective.

REPORTING REQUIREMENT: By XXXXXXXXXXXX, the District will provide OCR with documentation of the assessment required by this item. If additional training is determined to be necessary, by XXXXXXXXXXXX, the District will provide OCR documentation demonstrating it provided the additional training.

- 5. By XXXXXXXXXXXX, the District will make an offer in writing to the parent of the student who was the subject of this complaint (Student A) to convene a group of persons knowledgeable about Student A to reevaluate XXX educational needs in light of updated medical information as it relates to the COVID-19 pandemic, and to determine whether Student A is in need of compensatory services because the District did not convene the team to consider Student A's needs for the XXXXXXXXXX school year. The District's notice to Student A's parent will explain that:
 - a. The team will consider any updated medical information provided by Student A's physician regarding XXX needs as it relates to XXXXXXXXXX, as well as recommendations addressing any heightened risk for serious COVID-19 illness;
 - b. The team will consider Student A's parent's concerns about Student A attending school in-person in light of XXXXXXXX XXXXXXXXXX and will answer any

- questions the parent may have regarding any other alternatives to in-person learning;
- c. Any decision regarding Student A's placement, services, or academic adjustments or modifications will be made by Student A's Section 504 team, including XXX parent, and will be based upon Student A's individual needs; and
 - d. The Section 504 team will determine whether Student A is in need of compensatory services for any educational deficits that resulted from the District's failure to convene a Section 504 team meeting in response to Student A's parent's request for remote learning.

The District will include with this notice a copy of its system of procedural safeguards, including the right to challenge the Section 504 team's determination through an impartial hearing process.

REPORTING REQUIREMENT: By XXXXXXXXXXXX, the District will provide to OCR a copy of its written communication to Student A's parent.

- 6. If Student A's parent accepts the District's offer to convene a Section 504 team meeting for Student A, the District will hold the meeting before the end of the XXXXXXXXXX school year, at which time it will reevaluate Student A's needs in light of any updated medical information provided by Student A's physician as it relates to the COVID-19 pandemic and determine Student A's appropriate placement and educational services XX XXXXXXXXXXXXXXXXXXXX, including any XXXXXXXXXX. The Section 504 team will also determine whether Student A is entitled to compensatory services upon XXXXXX because the District did not convene the team to consider Student A's needs for the XXXXXXXXXX school year. The District will provide Student A's parent with a contact person knowledgeable about Section 504 and the placement options for Student A XXXXXX XXX XXXXXX XXXXXX XX XXXXXX XXXXXXXXXXXX XX XXX XXXXXXXXXX.

REPORTING REQUIREMENT: By XXXXXXXXXXXX, the District will provide OCR documentation demonstrating its implementation of Item 6 of the Agreement. Specifically, the District will provide OCR a copy of the meeting notes and an explanation regarding how the Section 504 team reached its decision as to (a) Student A's placement and XXXXXXXXXXXX XX XXX XXXXXXXXXX XXXXX in the District, including modifications to policies, to address XXXXXX and any heightened risk for serious COVID-19 illness; and (b) whether, XXXX XXXXXXXXXX XXXXXX XXXXXXXXXX, XXX is entitled to compensatory services. In the event the District determines that Student A is not eligible for compensatory services, it will provide OCR with documentation of the basis for the team's decision. If the District determines that Student A is eligible for compensatory services, it will provide OCR a written determination of the compensatory services offered and the basis for the team's determination that these services address any XXXXXXXXXXXX that the team determined exists. By XXXXXXXXXXXX, XX XXXXXXXXXX XX XXXXXXXXXXXX, the District will document to OCR that it has provided all compensatory services the team determined are necessary.

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. Upon completion of the obligations under this Agreement, OCR will close 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
School District 45

Date