



RESOLUTION AGREEMENT

North Pike School District
OCR Case Number: 06-20-1320

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the North Pike School District (District or recipient) enter into this resolution agreement (Agreement) to resolve 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, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination based on disability by recipients of Federal financial assistance from the Department and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues opened for investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, the District agrees to take the following actions:

Action Item 1 – District Policy and Procedure Revisions

The District will revise its existing policies, procedures and forms for the identification, evaluation, and placement of students who because of disability, need or are believed to need regular or special education or related aids and services, to ensure compliance with Section 504 and Title II.

Reporting Requirements

- a. **Within ninety (90) calendar days** after the signing of this Agreement, the District will provide to OCR a draft of its revised policies and procedures for OCR's review and approval.
- b. **Within forty-five (45) calendar days** after the District receives OCR's approval of the revised policies and procedures, the District will provide documentation to OCR reflecting adoption of the OCR-approved revised policies and procedures and that the District updated its online publications (inserts may be used for written publications). This documentation will include, at a minimum, a link to all online publications containing the revised policies and procedures.

Action Item 2: Training for District Staff

Within thirty (30) calendar days after the District receives written notification of OCR's approval of the training described in this Action Item, the District will provide training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction. The training shall be provided to all relevant personnel, including, but not limited to, District administrators, teachers, counselors, and medical/nursing staff. The training shall be conducted by individuals

knowledgeable about the laws and issues pertaining to disability discrimination and the evaluation of students who require or are believed to require disability-related aids and services. The training shall address, at a minimum:

- a) The District's obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services pursuant to Section 504, at 34 C.F.R. §§ 104.35 and 104.3(j);
- b) The District's policies and procedures for carrying out its responsibilities to evaluate and re-evaluate students pursuant to Section 504, at 34 C.F.R. § 104.35, including its obligation to evaluate a student who requires disability-related aids and services prior to implementing discipline that would result in a change in placement;
- c) The District's policies and procedures for carrying out its obligation to provide procedural safeguards pursuant to Section 504, at 34 C.F.R. § 104.36; and
- d) The District's obligation to fully implement any Section 504 plan that has been developed for a qualified student with a disability.

Reporting Requirements

- a. **Within ninety (90) calendar days** after signing this Agreement, the District will provide OCR, *for review and approval via email*, with a copy of the training materials to be used and distributed during the training described in Action Item 2, including speaker's notes or outline, handouts, and other presentation materials (*e.g.*, PowerPoint) and the name, credentials, and contact information for the person(s) who will conduct the training.
- b. **Within forty-five (45) calendar days** of receiving OCR's approval referenced in Reporting Requirement (a) above, the District will provide OCR documentation demonstrating that relevant personnel received the training described above, including the date(s) of the training(s); the name, title, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a sign-in sheet with the names and titles of individuals required to attend the training.

Action Item 3: Evaluation of the Student

The District shall seek the Complainants' consent to convene a group of persons (Group) pursuant to Section 504, at 34 C.F.R. § 104.35, to determine whether the Student is a qualified individual with a disability and, if so, whether the Student requires regular or special education and related services. During the meeting, the District shall also consider whether the Student requires compensatory and/or remedial services as a result of the District's failure to evaluate the Student and/or provide the Student necessary accommodations during the XXXX school year. If so, within two weeks of its determination, the Group will develop a plan for providing timely compensatory and/or remedial services during the XXXX school year. The District will provide the Complainants notice of the procedural safeguards, including the right to challenge the Group's determination through an impartial due process hearing.

For purposes of complying with this agreement, the District's notice shall provide the Complainants thirty (30) calendar days within which to provide consent to evaluate the Student's need for disability-related aids and services and compensatory and/or remedial services. Thereafter, the District shall evaluate the Student in accordance with Section 504, at 34 C.F.R. § 104.35, should the Complainants subsequently request a Section 504 evaluation for the Student or should the District receive subsequent notice that the Student may require regular or special education and related services.

Reporting Requirements

- a. **Within thirty (30) calendar days** after the signing of this Agreement, the District will submit evidence of the following: (1) the District sent a letter, via certified mail and email, requesting consent to evaluate the Student for regular or special education and related services and compensatory/remedial services pursuant to Section 504;¹ and (2) whether the District received consent to evaluate the Student for regular or special education and related aids and services and compensatory/remedial services pursuant to Section 504.
- b. **Within sixty (60) calendar days** of the District's convening the Group, the District will submit to OCR documents supporting the Group's decisions, including the names of all participants, an explanation for decisions made, the information considered, a copy of the Section 504 Plan/Individualized Education Program (IEP) developed for the Student (if any), a description and schedule of any compensatory and/or remedial services to be provided to the Student, and documentation that the District notified the Student's parents of all determinations and met all procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations.
- c. If the District determines that the Student requires compensatory/remedial services, the District will provide to OCR, **by XXXX, XXXX, and, if applicable, by XXXX XXXX, XXXX**, documentation that the Student received all compensatory and/or remedial services. The documentation shall include a description of the services provided, the dates and times the services were provided, and the name(s) of the providers.

Action Item 4 – Review of Student's XXXX

The District will: 1) conduct a review of the Student's XXXX and 2) XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX the XXXX XXXX XXXX XXXX.

¹ Pursuant to Section 504, at C.F.R. § 104.33 (b)(2), a recipient may satisfy its obligation to provide a FAPE to students with disabilities through the implementation of an IEP developed in accordance with the Individuals with Disabilities Education Act (IDEA).

Reporting Requirements

- a. **Within ninety (90) days** of signing this Agreement, the District will provide OCR notice of the District's XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX.

EXECUTION:

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, 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 the District's satisfaction of the commitments made under the Agreement, OCR will close the complaint.

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.

Dennis Penton, Superintendent
North Pike School District

Date