

**RESOLUTION AGREEMENT
ALLEN VILLAGE CHARTER SCHOOL
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07121120**

The Allen Village Charter School (School), Kansas City, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) in order to resolve the allegations against the School in OCR Docket Number 07121120, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (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.

The School is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.¹ The School agrees to take the following actions, but nothing contained in this Agreement shall be construed to constitute an admission on the part of the School to any of the allegations in this complaint.

- 1) By October 6, 2015, the School will review and revise, as necessary, its written policies and procedures to ensure that the School, consistent with the requirements of 34 C.F.R. § 104.35(a) and (b), will conduct a reevaluation (similar to a manifestation determination under the Individuals with Disabilities in Education Act (IDEA)) prior to effecting any significant change in placement (including a suspension of more than 10 consecutive days) of students with disabilities or suspected of having a disability. Specifically, the School's policies and procedures should reflect that a disciplinary exclusion of a student with a disability from school is a significant change in placement if (i) the exclusion is for more than 10 consecutive school days; or (ii) a series of exclusions that are each of 10 days or less in duration that creates a pattern of exclusion as defined by Section 504 and the IDEA and their implementing regulations.

Consistent with the requirements of 34 C.F.R. § 104.35(a) and (b), the School will ensure it satisfied the following procedures before effecting a disciplinary action which constitutes a significant change in placement for a student with a disability:

- i. Convene and conduct a manifestation determination with a multidisciplinary team of individuals knowledgeable about the student, the student's disability, current evaluation data and placement options;
- ii. The multi-disciplinary team will determine whether the student's misconduct was caused by or had a direct and substantial relationship to (*i.e.*, a manifestation of) the student's disability;

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrepm.html>

- iii. The multi-disciplinary team will determine, based on a review of all relevant factors, whether the student's misconduct was due to the School's failure to implement an appropriate Section 504 plan or Individual Education Program (IEP);
- iv. If the student's misconduct was either a manifestation of the student's disability or was due to the School's failure to implement an appropriate Section 504 plan or IEP, the multi-disciplinary team must determine what, if any modifications to the student's educational placement are necessary and the student may not be removed from school for more than 10 consecutive school days or additional days that would create a pattern of exclusion. If the student's misconduct was not a manifestation of the student's disability and was not due to the School's failure to implement an appropriate Section 504 plan or IEP, the student may be disciplined in the same manner as similarly situated students without disabilities would be disciplined; and
- v. Provide the student's parent or guardian notice of both the manifestation determination meeting and the placement decision in a prompt manner. The student's parent or guardian also must be provided with a copy of the Section 504 or IDEA procedural safeguards.

Reporting Requirement: By October 9, 2015, the School will provide to OCR for review and approval copies of the School's finalized policies and procedures developed pursuant to item 1 of this Agreement.

- 2) By October 6, 2015, the School will conduct a file review of students with disabilities and students suspected of having a disability and currently undergoing the evaluation process who received long-term suspensions or disciplinary exclusions for ten days or more (whether consecutive or in a manner that created a pattern of exclusion) during the 2014-15 school year. The School will then review whether a manifestation determination was conducted for the student. If the School finds that a manifestation determination should have been conducted for any student, the School shall convene an IEP or Section 504 team meeting to consider whether the student should receive compensatory educational services and/or extended school year services for any time the student did not receive services outlined in his/her educational plan as a result of the disciplinary exclusion.

Reporting Requirement: By October 9, 2015, the School will provide OCR documentation of its approval and review, including a list of files reviewed, the name and title of the School staff member conducting the review, a list of students who the School determined should have received a manifestation determination and did not and documentation of the dates of the IEP or 504 multi-disciplinary team meeting to determine whether compensatory educational services are appropriate. If the team determines the student should receive compensatory educational services, the School will provide OCR information detailing the amount of compensatory educational

services to be provided, the name(s) of School staff who will provide the services, how often the services will be provided, the type of services to be provided and the date when the School will begin providing the compensatory educational services. If the team determines the student is not entitled to compensatory educational services, the School shall document the team's finding and provide OCR a copy of its written determination and provide the student's parent/guardian with a statement of procedural safeguards.

- 3) After receiving OCR's approval of its written policies and procedures developed pursuant to Item 1 of this Agreement, the School will provide training to School staff including administrators and teachers regarding the Section 504/IDEA requirement that the School conduct a manifestation determination prior to making a significant change in the placement of a student with a disability. The training will include a discussion of the requirement to conduct a manifestation determination for a student who is suspected of having a disability and undergoing the evaluation process at the time of discipline. The training will also include a discussion of the policies and procedures developed pursuant to Item 1 of this Agreement.

Reporting Requirement: By October 9, 2015, the School will provide documentation to OCR demonstrating that the School has provided training pursuant to this item. The documentation shall include: (i) the date of the training; (ii) a list of names and titles of School employees who participated in the training; (iii) a description of the presenter's background and qualifications with respect to knowledge of Section 504, Title II and IDEA; (iv) a copy of the agenda and the training materials disseminated.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II which were at issue in this case.

The School 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, School understands that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II.

The School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For the School:

/s/ Phyllis Washington
Phyllis Washington, Principal

9/23/15
Date