

**RESOLUTION AGREEMENT
Greenfield R-IV School District
OCR Docket # 07-17-1029**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Greenfield R-IV School District (District) enter into this Agreement to resolve the allegations 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), as amended, 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulation (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131 et seq., 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.

Before OCR completed its investigation, the District agreed to resolve the issues of this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions:

SECTION 504 AND TITLE II TRAINING

1. **By February 1, 2018** the District will conduct Section 504/Title II training for all teachers and staff at the District who are involved in working with students with disabilities pursuant to Section 504 and Title II, including training on the District's Section 504 and Title II Procedures. The training shall be conducted by a qualified person with expertise in Section 504 and Title II and shall include the Section 504 and Title II requirements concerning identification, evaluation, placement, periodic reevaluations, reevaluation prior to a significant change in placement, manifestation determinations, and procedural safeguards.

Reporting Requirements: By February 15, 2018, the District will provide documentation to OCR demonstrating that its faculty and staff have completed the training pursuant to Item 1 above. The documentation shall include, at a minimum, the date(s) of the training session(s), the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the training materials disseminated.

INDIVIDUAL REMEDY

2. **By February 1, 2018**, the District will convene a team of individuals (Team) to hold a manifestation determination meeting for the purpose of determining whether the Student's conduct that led to her in-school suspensions during the 2016-17 school year was caused by, or had a direct and substantial relationship to, the Student's disability.

The District will conduct the manifestation determination meeting procedurally consistent with the requirements of 34 C.F.R. §§ 104.35 and 36. The District will ensure that any decisions reflect the judgment of the Team and not the judgment of a single individual. The District will ensure that the Student's parents are invited to the meeting and will permit the Student's parents to invite persons knowledgeable about the Student to attend the meeting. The Team will carefully consider all information provided by the Student's parents and their invitees. The Team will include District employees who have knowledge of the matters being considered by the Team.

If the Team determines that the Student's behaviors were not a manifestation of her disability, the District will provide written notice of this decision to the Student's parents, along with the revised Notice of Procedural Safeguards.

If the Team determines that the conduct that resulted in the Student's suspension was a manifestation of her disability, the District will confirm in writing to OCR that any information related to disciplinary incidents in which the Student was involved at the School during the 2016-17 school year will not be used detrimentally against the Student, including using the information as a means of any progressive discipline against the Student.

Reporting Requirements: Within ten (10) calendar days of the manifestation determination hearing, the District will provide OCR with a copy of the notice of outcome and the Notice of Procedural Safeguards sent to the Student's parents. If the Team determines that the Student's conduct was a manifestation of her disability, the District will provide OCR with a copy of the documentation included in the Student's disciplinary records prohibiting consideration of the Student's actions in future progressive disciplinary events.

3. If the Team determines that the Student's behaviors were a manifestation of her disability, the District will, within ten (10) calendar days of the manifestation determination meeting, convene a team of persons knowledgeable about the Student, evaluative data, and placement options to determine whether the Student suffered any educational loss due to a failure to fully implement the Student's IEP and, if so, whether the Student should receive compensatory education services.
 - a) If the Team determines the Student is entitled to compensatory services, including educational, social or emotional services, the Team will determine the type and number of hours of compensatory services and develop a plan for providing those compensatory services to the Student within six months. The District will promptly notify the Student's parents, in writing, of the compensatory services being offered at no cost to them, the proposed initiation date of such services, and will provide the Student's parents with the revised Notice of Procedural Safeguards.

- b) If the Team determines the Student is not entitled to compensatory services, the District will provide written notice of this determination and a copy of the Notice of Procedural Safeguards.

4. The Team will also consider:

- a) the Student's present IEP and revise it if necessary to address the Student's disabilities;
- b) the Student's behaviors exhibited during the 2017-18 school year and develop a plan to address these behaviors to limit the Student's time spent in detention/in-school suspension; and
- c) a plan for the Student's transfer to 9th grade for the 2018-19 school year to ensure that the Student's IEP is complied with at the new school.

Reporting Requirements for Items 3 and 4: Except as otherwise provided below, **within thirty (30) calendar days** of the Team's determination with regard to whether the Student is entitled to compensatory services, the District will submit the following to OCR:

- a) A list of the individuals who attended the meeting (by name, title, and role in the meeting);
- b) Documentation of the District's invitation to the parents to attend the meeting and obtain their input;
- c) A copy or summary of the information the Team considered in reaching its determination regarding whether and/or what compensatory services are appropriate for the Student;
- d) Notes from the meeting documenting that the Team carefully considered input from persons knowledgeable about the Student;
- e) If the Team finds the Student's behaviors were a manifestation of her disability and that the Student is entitled to compensatory services:
 - 1) Documentation of the Team's decisions regarding the type and number of hours of compensatory services that are appropriate for the Student and the bases for those decisions;
 - 2) Documentation of the plan for the prompt provision of compensatory services to the Student at no cost to the parents;

- 3) Documentation that the Complainant was notified in writing of the compensatory services offered by the District;
- f) If the Team finds the student's behaviors were not a manifestation of her disability or that the Student is not entitled to compensatory services, documentation that it provided written notice of those decisions to the parents;
- g) A copy or summary of the information the Team considered in reaching its determination regarding whether to revise the Student's IEP;
- h) If the Team revises the Student's IEP, a copy of the Student's revised IEP; and
- i) Documentation that the District provided the Complainant with a revised Section 504/Title II Procedural Safeguards Notice.

Additionally, **within six (6) months of the meeting**, the District will submit documentation to OCR demonstrating that the compensatory services determined by the Team to be necessary have been provided to the Student.

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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. 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 and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.7, 104.33, and 104.35, and Title II at 28 C.F.R. §§ 35.107 and 35.130.

The District further understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.7, 104.33, and 104.35, and Title II at 28 C.F.R. §§ 35.107 and 35.130.

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, however, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

**Mr. XXXXX XXXXX, Superintendent
Greenfield R-IV School District**

Date