

Resolution Agreement
Norris School District #160
OCR Case Number: 07221007

The Norris School District #160 submits this voluntary Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this complaint filed under 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.

The District voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

The District agrees to take the following actions:

1. By **December 1, 2023**, and after providing proper written notice to the Student's guardian(s), the District will convene the Student's Individualized Education Program (IEP) Team to do the following:
 - a. Determine whether the Student requires compensatory services for any time he did not receive services while he was quarantining at home due to an exposure to COVID-19 during the fall of 2021.
 - b. Re-evaluate the Student to (1) ensure that the Student is currently placed in the least restrictive environment, and (2) consider whether the Student suffered any educational loss as a result of not timely re-evaluating the Student when the District moved the Student, in the fall of 2021, primarily into the life skills rooms at the middle school and began providing the Student significantly more special education than his IEP required, in an environment more restrictive than his IEP called for.
 - i. If the IEP Team determines the Student did suffer an educational loss, the IEP Team will consider whether the Student needs compensatory services to make up for any such loss(es).
 - ii. If the IEP Team determines that compensatory services are necessary, the IEP Team will develop a written plan for the timely provision of the compensatory services that the IEP Team deems necessary, with a completion date not to extend beyond **July 1, 2024**. The plan will identify the nature and amount of services to be provided at no cost to the Student's guardian(s), who will provide them, and when they will be provided.
 - iii. The District will provide the Student's guardian(s) with: (1) a meaningful opportunity to provide input into these determinations; (2) notice of the determinations made; and (3) notice of the procedural safeguards available to the guardian(s) under 34 C.F.R. § 104.36, including the right to challenge

such determinations through an impartial due process hearing should the guardian(s) disagree.

REPORTING REQUIREMENT: Within 30 calendar days of convening the IEP Team required by items 1 of this Agreement, the District will inform OCR whether the IEP Team determined that compensatory services were necessary, and if so, provide a copy of the plan for providing compensatory services and the amount of compensatory services appropriate for the Student. The District will also provide the results of the re-evaluation. In the event the District determines compensatory services are necessary, the District will provide those services by **July 1, 2024**. Within two weeks of **July 1, 2024**, the District will provide OCR evidence that it provided all services deemed necessary. If services cannot be delivered as required, the District will provide evidence to OCR of its reasonable efforts to provide these services to the Student.

2. District will provide OCR with an updated copy of the Student's IEP if it is revised during the 2023-24 school year.

REPORTING REQUIREMENT: The District will provide OCR a copy of the Student's Section IEP if it is revised during the 2023-2024 school year within 10 business days of any revision.

3. By **December 1, 2023**, the District will issue a written guidance memorandum to all teachers, administrators, and other staff responsible for providing a free appropriate public education to students with disabilities under Section 504/Title II. The written guidance will include:
 - a. The District's procedure and process for the identification, evaluation, and placement of students who, because of their disabilities, need or are believed to need special education or related services;
 - b. The District's responsibility to ensure that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, activities, of the District;
 - c. The District's responsibility to re-evaluate a qualified student with a disability before making a significant change in the student's placement;
 - d. The District's responsibility to ensure that placement decisions are made by groups of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - e. The District's responsibility to convene a Section 504 or IEP team meeting if the District has a reason to suspect that a student with a disability did not receive

appropriate evaluations or services due to COVID-19, and to determine whether compensatory and/or remedial services are required as a result.

REPORTING REQUIREMENT: Within 15 calendar days of issuing the written guidance memorandum, the District will provide OCR documentation demonstrating that the written guidance has been distributed as required under Action Item 4 of the Agreement.

The District understands that by signing this Resolution 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 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 and Title II, at issue in this case. 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 Resolution Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Brian Maschmann
Superintendent,
The Norris School District #160

Date