

RESOLUTION AGREEMENT
Agra Public Schools
OCR Complaint No. 07231150

Agra Public Schools (the District) submits this voluntary Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 07231150 and ensure the District's 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 et seq., 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.

The District agrees to take the following actions:

1. Individual Remedy

Action Item 1(a): By July 24, 2023, the District will send written correspondence to the Complainant advising XXXXX that if XXXXX reenrolls the Student at the District at any point in the future, then the District will evaluate the Student to identify any disabilities and consider the appropriate placement for the Student, pursuant to the District's policies and procedures at the time of re-enrollment. If necessary, the District will develop a plan to meet the Student's educational needs in accord with the requirements of Section 504. The correspondence to the Complainant may be transmitted via email or U.S. Postal Service.

Reporting Requirement 1(a): By July 31, 2023, the District will provide OCR a copy of the correspondence sent by the District and confirmation of the date the correspondence was sent, whether via email or U.S. Mail.

Action Item 1(b): If the Complainant chooses to XXXXX the student for any part of the XXXXX school year, within 30 days of receiving the Complainant's notice of intent to XXXXX the Student, the District will convene a group of persons (multi-disciplinary team) pursuant to Section 504 to evaluate the Student to identify any disabilities and consider the appropriate placement for the Student. If necessary, the District will develop a plan to meet the Student's educational needs in accord with the requirements of Section 504 and 34 C.F.R. § 104.33–36.

- During the meeting, the District will also consider whether the Student requires compensatory and/or remedial services, including, without limitation, any such services that are necessary for the time the Student was XXXXX XXXXX virtual learning and/or subject to XXXXX discipline during the XXXXX school year. If the District determines the Student requires compensatory and/or remedial services, within 14 calendar days of that determination, the multi-disciplinary team will develop a plan for providing timely compensatory and/or remedial services.
- The District will also provide the Complainant notice of procedural safeguards, including the right to challenge the multi-disciplinary team's determination through an impartial due process hearing

Reporting Requirement 1(b): If the Student XXXXX in the District at any time during the XXXXX school year, within 30 calendar days of the District convening the multi-disciplinary team, the District will submit to OCR documents supporting the team's decisions. The documentations submitted will include the following:

- names of all participants;
- an explanation for decisions made;
- the information considered;
- a copy of the Section 504 Plan developed for the Student (if any); and
- a description and schedule of any compensatory and/or remedial services to be provided to the Student.

If the Student does not XXXXX in the District before the conclusion of the XXXXX school year, the District will submit to OCR a written confirmation that the Student XXXXX XXXXX XXXXX no later than June 1, 2024.

2. Policies and Procedures

By August 1, 2023, the District will review and, if necessary, revise its policies and procedures to ensure that students with disabilities are evaluated before the District takes any action with respect to the initial placement of students in regular or special education, consistent with the procedural requirements of Section 504, 34 C.F.R. §§ 104.31–104.36. The District's review must also include an evaluation of policies and procedures related to identifying students with disabilities and conducting evaluations.

Reporting Requirement 2: By August 31, 2023, the District will provide documentation to OCR demonstrating that the District has complied with Item 2 of the Agreement. The documentation shall include: (1) copies of the District's policies and procedures and (2) evidence of adoption and publication.

3. Training

Following the review set forth in Item 2 of this Agreement and no later than August 15, 2023, the District will provide training regarding the requirements of Section 504, Title II, and relevant district policies related to students with disabilities and nondiscrimination to all District personnel. The training will include, but shall not be limited to, training regarding the District's obligations under Section 504 and Title II; training related to providing students with disabilities an equal opportunity to participate in District services and activities; and training regarding the District's policies and procedures related to disability discrimination. The training will specifically address how to identify students who may be eligible for 504 evaluations, how to refer students for evaluations, and the evaluation process. The training will be conducted by an individual(s) knowledgeable about the requirements of Section 504 and Title II.

Reporting Requirement 3: By August 31, 2023, the District will provide OCR documentation showing it has completed the training required by Section 3 of this Agreement. The documentation must include the following: (1) the name and

qualifications of the individual(s) who conducted the training; (2) the date(s) of the training session(s); (3) a copy of the agenda and/or training materials; and (4) a sign-in sheet or other document showing the names and titles of participants and indicating any District staff who did not attend.

The District understands that by signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the 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 and obligations of this Agreement.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the statute and regulations at issue in the case.

The District understands and acknowledges that OCR may initiate administrative enforcement proceedings or refer this case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

XXXXX (or designee)
Agra Public Schools

Date