

RESOLUTION AGREEMENT
Weber School District
Case Number 08-14-5002

To resolve the above-referenced compliance review initiated by the U.S. Department of Education, Office for Civil Rights (OCR), Weber School District (District) agrees to implement the terms of this Agreement. This compliance review was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. part 35. OCR conducted the compliance review to determine whether the District discriminates against students with disabilities by subjecting them to the excessive use of restraint and seclusion, and whether students with disabilities are denied a free appropriate public education because of the use of restraint and seclusion.

Pursuant to Section 302 of OCR's *Case Processing Manual*, a compliance review may be resolved when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the issues and OCR determines that it is appropriate to do so. Prior to the conclusion of OCR's investigation, the District requested to resolve the issues of the compliance review and OCR determined that it was appropriate to do so.

Policies

1. The District will draft policies regarding the use of restraint and seclusion, ensuring that the policies are equitable to students with disabilities.¹ Among the changes to the District's policies, the District will revise their definition of "restraint" and "seclusion" to be consistent with the 2012 Resource Document. The District will submit the draft policies to OCR for review and approval.

REPORTING REQUIREMENT: Within 60 days after the date this agreement is signed, the District will submit to OCR for review and approval the above mentioned policies.

2. The District will consider and respond to any feedback from OCR with respect to the draft policies referenced in Item 1. After obtaining OCR's approval, the District will officially adopt the policies and publish them using its standard methods for disseminating new information that is important to students, parents/guardians, employees, and other members of the public.

REPORTING REQUIREMENT: Within 60 days of obtaining OCR's approval of the policies, the District will provide OCR with documentation showing that the policies have been adopted as the official policy of the District, and where they have been published.

Data Collection

¹ In revising its policies regarding the use of restraint and seclusion, the District will consider the guidance provided in the U.S. Department of Education's "Restraint and Seclusion: Resource Document."

3. The District will develop a system for ensuring that it accurately records the number of restraint and seclusion incidents that occur to allow for accurate reporting to the Civil Rights Data Collection. The District will provide a written description of its proposed system to OCR for review and approval. At minimum, the system will ensure that:
 - restraint and seclusion incidents involving both students with and without disabilities can be recorded;
 - incidents recorded as restraint or seclusion meet the definitions stated in the District's revised policies;
 - documentation of restraint and seclusion incidents are maintained with sufficient detail to determine if the incident meets the definition of restraint or seclusion; and
 - data about restraint and seclusion can be disaggregated by race, sex, disability status, campus, and grade.

REPORTING REQUIREMENT: Within 60 days after the date this Agreement is signed, the District will submit to OCR for review and approval its proposed system for data collection and reporting.

4. The District will consider and respond to any feedback from OCR with respect to the proposed system. After obtaining OCR's approval, the District will implement the data collection and reporting system district-wide.

REPORTING REQUIREMENT: Within 30 days of obtaining OCR's approval of the proposed system, the District will provide OCR with documentation showing that the system has been implemented. Twice annually, on June 15 and January 15, the District will provide OCR with a report detailing the use of restraint and seclusion in the District during the previous school term.

Training

5. The District will develop training materials which review the District's policies and procedures for the use of restraint and seclusion, as well as requirements for documenting restraint and seclusion incidents with adequate detail. The District will provide the training materials to OCR for review and approval.

REPORTING REQUIREMENTS: Within 30 days after OCR has approved the District's revised policies pursuant to Paragraph 1 and the District's data collection system pursuant to Paragraph 3 of this Agreement, the District will provide OCR with a copy of the proposed training materials, including the name and title of the trainer, their qualifications, and any handouts or presentations developed.

6. The District will consider and respond to any feedback from OCR with respect to the proposed training materials and trainer. After obtaining OCR's approval, the District will provide the training to all campus-level administrators and all personnel who are

authorized to use restraint or seclusion with students. The training will occur no later than the beginning of the next school year.

REPORTING REQUIREMENT: Within 60 days of the date OCR approves the training materials and trainer, and annually thereafter until OCR closes the monitoring of this case, the District will submit to OCR the date(s) of the training, the name and title of the trainer, the materials used or disseminated, the sign-in sheets indicating the names and titles of participants, and an affirmation that all required participants receive the training.

Provision of a Free Appropriate Public Education

7. For the 2015-16 and 2016-17 school years, the District's Human Rights Committee (HRC) will certify that, for any restraint or seclusion incidents that were reviewed by the HRC involving a student with a disability, the HRC considered whether the affected students should be referred to their respective Section 504/IEP teams to determine if a new placement for the student is appropriate and/or if compensatory educational services are needed to remedy lost instructional time that occurred during a restraint or seclusion incident. If this inquiry was not part of HRC's review, the HRC will convene to re-review those cases in such a manner.

REPORTING REQUIREMENT: Within 60 days of the date of this Agreement, the District will provide OCR with a report detailing the incidents that were reviewed by the HRC that includes the reviewed student's name, a description of the restraint and/or seclusion incidents, (including the number of incidents for each student), and the HRC's determination as to whether the student was referred to his or her respective Section 504/IEP teams for consideration of a placement change and compensatory educational services.

8. The District will hold Section 504/IEP team meetings for each of the students referred by the HRC to determine if the referred student's placement should be modified and if the student requires compensatory educational services to remedy any lost instructional time that occurred as a result of restraint or seclusion incidents. These meetings will be conducted in compliance with the regulatory requirements of Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

REPORTING REQUIREMENT: Within 60 days of the completion of the requirements in Paragraph 7, the District will provide OCR with written documentation of the status of its compliance to date with the provisions of Paragraph 8 above. Documentation will include:

- Copies of all letters, notices, and forms mailed to the students' parents or guardians;
- Sign in sheets of attendees at these meetings, including titles;

- A detailed explanation of how the Section 504/IEP team reviewed and, if applicable, revised the students' current educational plans in relation to the incidents of restraint or seclusion identified by the HRC, and copies of any revised Section 504 plans or IEPs; and
- A detailed explanation of how the Section 504/IEP team reviewed and considered whether students require compensatory services as a result of the restraint and seclusion incidents identified by the HRC. If it is determined that a student will receive compensatory services, the District will draft an action plan containing proposed compensatory services or remedial measures that will be offered or taken, the specific timelines for implementation, and the person(s) responsible for overseeing full and timely implementation.

With regard to the Section 504/IEP team meetings, OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations, and notify the District when it has completed this review.

9. Once the prior provisions on Policies and Data Collection are implemented, the District will periodically review their data on restraint and seclusion involving students with disabilities to ensure that the utilization of restraint or seclusion practices has not denied any student a free appropriate public education or constituted a significant change in placement for that student. Where appropriate, , the District will convene a Section 504/IEP meeting to determine if a new placement is appropriate or if compensatory educational services are needed to remedy lost instructional time.

REPORTING REQUIREMENT: Within 60 days of the adoption of the revised policies on restraint and seclusion and the implementation of the data collection system on restraint and seclusion, the District will provide OCR with guidelines for reviewing their restraint and seclusion data involving students with disabilities. These guidelines should include District-defined benchmarks for analyzing their data to determine if a change in placement has occurred or if compensatory educational services are needed.

10. The District will consider and respond to any feedback from OCR with respect to the data review guidelines. After obtaining OCR's approval, the District will begin a bi-annual review of their data on restraint and seclusion involving students with disabilities.

REPORTING REQUIREMENT: Within 90 days of the date OCR approves the guidelines in Paragraph 9 and annually thereafter until OCR closes the monitoring of this case, the District will provide OCR with a report detailing their review of restraint and seclusion data involving students with disabilities in the District during the previous school term.

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. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this case.

The District 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 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which were at issue in 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 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.

For Weber School District:

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| _____/s/_____ Dr. Jeff Stephens Superintendent | 07/17/17_____ Date |
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