

RESOLUTION AGREEMENT
Presidio School
OCR Case 08-23-1150

Presidio School (School) agrees to implement this Resolution Agreement (Agreement) to resolve the violation identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations, in the above-referenced OCR case. In this case, OCR found, by a preponderance of the evidence, that the School subjected the Student to a disciplinary change in placement without complying with Section 504's procedural requirements. The School assures OCR that it will take the following actions to comply with the requirements of Section 504 and Title II.

Term I: Policies and Procedures

The School will review and revise its policies, procedures, and forms related to discipline of students with disabilities – including with respect to evaluation and placement (specifically, procedural safeguards and manifestation determinations) – to help ensure compliance with Section 504, Title II, and their implementing regulations.

After the policies and procedures are approved by OCR, the School will make the approved policies and procedures available to all students and parents, including by, at a minimum: (a) posting the policies and procedures on the School's webpage; (b) including a reference and link to the policies and procedures in the School's *Student Handbook*; and (c) incorporating the policies and procedures into the School's *Exceptional Student Services Policies and Procedures*.

Reporting Requirement A: Within 45 calendar days of this Agreement being signed, the School will submit to OCR a draft of the revised policies, procedures, and forms. The School will promptly and fully address OCR's feedback, if any, until OCR notifies the School that the policies, procedures, and forms are approved.

Reporting Requirement B: Within 15 calendar days of OCR notifying the School that no further reporting is required for Reporting Requirement A, the School will: (i) disseminate the policies and procedures as required by Term I; and (ii) submit to OCR documentation showing that the policies and procedures were disseminated as required by Term I (e.g., hyperlinks to the relevant webpages and documents). The School will promptly and fully address OCR's feedback, if any, until OCR notifies the School that no further reporting is required for Reporting Requirement B.

Term II: Staff Training Memorandum

The School will draft and disseminate a training memorandum (Memo) about the policies, procedures, and forms approved pursuant Term I. The Memo will include, at a minimum, a description of the changes to policies, procedures, and forms regarding discipline of students with disabilities.

Reporting Requirement C: Within 30 calendar days of receiving notice from OCR that no further reporting is required for Reporting Requirement B, the School will submit to OCR for review and approval a draft of the Memo. The School will promptly and fully address OCR's feedback, if any, until OCR notifies the School that the Memo is approved.

Reporting Requirement D: By the 20th day of the 2023-24 school year, the School will: (a) disseminate the approved Memo to all School staff; and (b) submit to OCR documentation showing that the Memo was disseminated to all School staff (e.g., an email showing the recipients and email attachments). The

School will promptly and fully address OCR’s feedback, if any, until OCR notifies the School that no further reporting is required for Reporting Requirement D.

GENERAL REQUIREMENTS

The School understands that by signing this Agreement, the School agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the 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 Section 504, Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR will close this case.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504, Title II, and their implementing regulations.

The School understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the School written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the School’s representative below.

For the School:

/s/
Jessica Montierth Puls, Principal

5/11/23
Date