

Resolution Agreement

Franklin-McKinley School District
OCR Case Number 09-16-1488

Franklin-McKinley School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement), in order to resolve the issues investigated and concerns and violations identified by the U.S. Department of Education Office for Civil Rights (OCR) under Title II of the Americans with Disabilities Act (Title II) and Section 504 of the Rehabilitation Act (Section 504) in the above-referenced complaint.

A. Individual Student

1. By August 26, 2016, the District will expunge from the Student's discipline record that it maintains the suspensions from December X, 2015, March XX, 2016, and April X, 2016, which arose from incidents related to physical education.
2. By August 26, 2016, the District will amend Student's attendance records such that any unexcused absences or tardies for 0 period and 6th period are marked excused.
3. By August 26, 2016, the District will amend Student's attendance records such that all absences on the following days will be marked excused: 10/XX/2015, 11/XX/2015, 12/XX/2015, 01/XX/2016, 01/XX/2016, 01/XX/2016, 02/XX/2016, 02/XX/2016, 03/XX/2016, 04/XX/2016, 04/XX/2016, and 04/XX/2016.
4. By August 26, 2016, the District will transmit amended discipline and attendance records to XXXX XXXX XXXXX XXXX School District, with a cover letter indicating that there are errors in those records, which have been corrected in the amended records.
5. By August 26, 2016, the District will make an offer to XXXX XXXX XXXXX XXXX School District to pay for a comprehensive psychoeducational evaluation of the Student, including academic assessments.
6. By September 23, 2016, the District will convene a meeting which will include the Student's parents and school staff persons with the relevant knowledge to evaluate and determine whether the Student needs compensatory education as a result of absences during the 2015-2016 school year. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the end of the 2016-2017 school year.

B. Training

1. On or before December 30, 2016, the District will provide training to all teachers and administrators regarding Section 504, including proper implementation of 504 plans,

exiting students from 504 plans, and the proper procedures before disciplining students with 504 plans.

C. Reporting Requirements

1. On or by September 30, 2016, the District will provide OCR with documentation that it has amended the Student's discipline and attendance records, as described in Section A(1)-(3).
2. On or by September 30, 2016, the District will provide OCR with documentation that it has transmitted amended discipline and attendance records to XXXX XXXX XXXXX XXXX School, and the attendant cover letter, as described in Section A(4).
3. On or by September 30, 2016, the District will provide OCR with documentation that it made an offer to XXXX XXXX XXXXX XXXX School District to pay for a comprehensive psychoeducational evaluation of the Student.
4. By October 14, 2016, the District will submit to OCR documents supporting the group's decision at the meeting described in Section A(6). The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student.
5. By January 31, 2016, the District will submit to OCR with documentation of the training(s) required by Section B(1), including: (a) the names and titles of the trainer(s), (b) the dates of the training(s), (c) a copy of the final agenda and materials used at each training, and (d) a list of the participants and titles.

D. Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with Section 504 and Title II and the regulations at 34 C.F.R. §104.4(a), 104.43(a), and §104.44(a), which were at issue in this case.

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 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 Section 504 and Title II and the regulations, 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.

_____/s/_____
Superintendent or District Representative

_____08/18/2016_____
Date

_____Juan Cruz, Superintendent of Schools_____
Printed Name and Title