

## VOLUNTARY RESOLUTION AGREEMENT

### I. INTRODUCTION

The North Slope Borough School District (district) enters into this agreement to resolve the allegations in a complaint (OCR Reference No. 10181029) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), and the regulations that implement those statutes at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

### II. RESOLUTION PROVISIONS

#### A. Procedures and Practices

1. The district will review and revise, as needed, its Section 504 policies, procedures, and practices (revised procedures) at the Alak School (school) to ensure that all provisions contained in Section 504 plans or individualized education programs (IEPs) are consistently provided and that all students on such plans receive the instruction by qualified instructors.

#### **Reporting Requirement:**

By June 15, 2018, the district will submit to OCR for review and approval a draft of the revised procedures developed in accordance with Section II.A.1. If OCR requires any changes to the draft of the revised procedures, the district will make the changes and resubmit the draft of the revised procedures within 30 days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has approved the revised procedures.

2. Within 30 days of receiving OCR's approval of the revised procedures, the district will adopt and implement the revised procedures.

#### **Reporting Requirement:**

Within 30 days of implementing the revised procedures, the district will provide OCR a report regarding the adoption and implementation of the revised procedures.

B. Notice

1. The district will provide written notice to all instructional and administrative staff at the school which informs staff of the following: that the district will ensure that all instructional staff, particularly those providing specialized education services to students with disabilities are qualified to provide those services; that the district is committed to complying with Section 504 and Title II, including the obligation to consistently provide all services listed in Section 504 plans/IEPs; that staff should promptly report to school and district administrators any concerns regarding the implementation of a student's education program; and that school or district administrators will take responsive action to ensure that concerns regarding proper implementation of a student's educational program are resolved as promptly as possible.

**Reporting Requirement:**

By June 15, 2018, the district will submit a draft of the notice to OCR for review and approval. OCR will review the draft notice submitted by the district and notify the district if revisions are required. If OCR requires revisions to the draft, the district will re-submit the revised notice to OCR for review and approval within 30 days of receiving the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's notice.

2. Within 30 days of receiving OCR's written approval of the notice, the district will provide the notice to all instructional and administrative staff at the school.

**Reporting Requirement:**

Within 30 days of providing the notice to all instructional and administrative staff at the school, the district will submit to OCR documentation verifying that the notice has been provided to all instructional and administrative staff at the school, include the names and position titles of all staff who received the notice, and the manner in which it was provided.

C. Staffing Plan

1. By June 15, 2018, the district will create a plan of action to ensure that it has a sufficient number of qualified teachers to fully and consistently deliver the services required for students with disabilities at the school to receive a free and appropriate public education (FAPE), including all services contained in students' IEPs and Section 504 plans. The plan will consider, at a minimum, the district's recruiting, hiring, retention, and contracting procedures for teachers.

**Reporting Requirement:**

Within 30 days of creating its plan of action, the district will submit to OCR a copy of its plan of action pursuant to Section II.C.1 as well as any supporting documents used to prepare the plan. The supporting documents will include at a minimum any studies or surveys used or commissioned in determining the content of the plan of action. OCR will review the plan of action submitted by the district and notify the district if revisions are required. If OCR requires revisions to the plan of action, the district will re-submit the revised plan of action to OCR for review and approval within 30 days of receiving the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's plan of action.

2. Within 60 days of OCR's approval of its plan of action pursuant to Section II.C.1, the district will complete implementation of its plan and have in place a sufficient number of qualified teachers to fully and consistently deliver the services required for students with disabilities at the school to receive FAPE, including all the services contained in students' IEPs and Section 504 plans.

**Reporting Requirement:**

Within 60 days of completing its implementation of its plan of action pursuant to Section II.C.2 and by the same date during 2019, the district will provide OCR with a report documenting that it has a sufficient number of qualified teachers to fully and consistently deliver the services required for students with disabilities at the school to receive FAPE, including all the services contained in students' IEPs and Section 504 plans.

D. Training and Implementing IEPs/Section 504 plans

1. The district will provide a mandatory training to all relevant district staff and administrative and instructional employees at the school regarding the reviewing and implementing IEPs/504 plans. The training will include, at a minimum, information regarding: the district's revised procedures pursuant to Section II.A; the requirements of Section 504 and Title II as they apply to the implementation of students' IEPs/504 plans; and the requirement that all instructional staff responsible for providing the services described in the IEPs/504 plans be qualified to provide those services.

**Reporting Requirement:**

- i. By June 15, 2018, the district will provide OCR a training plan regarding the training that it will provide pursuant to Section II.D.1. The training plan will include, at a minimum, the content of the proposed training, the name and qualification(s) of the individual who will be conducting the training, and any materials that will be provided as part of the training. OCR will review the training plan submitted by the district and notify the district if revisions are required. If OCR requires revisions to the training plan, the district will re-submit the revised training plan to OCR for review and approval within 30 days of receiving the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's training plan.
  - ii. By June 30, 2019, and June 30, 2020, the district will provide documentation to OCR demonstrating that it has conducted the training under Section II.D.1. The documentation will include, at a minimum, the dates of the training, the name(s), title(s) and qualifications of the trainer(s), a copy of any materials presented or distributed during the training, and a list of the names and position titles of the individuals who attended the training.
2. The district will ensure that any newly hired instructional staff receives the training described in Section II.D.1 within 30 days of being hired.

**Reporting Requirement:**

By June 15, 2020, the district will provide a report to OCR identifying each teacher newly hired during the 2018-2019 and 2019-2020 school years and

the date on which that teacher received the training described in Section II.D.1.

3. The district will notify school site administrators that anytime a substitute teacher or teacher(s) is assigned for 10 or more consecutive days, by day 11 a site administrator will meet with the classroom aide(s) and substitute, to ensure that adequate instruction is being provided and the students' IEPs/504 plans are being appropriately implemented. The meeting and any interventions or additional support will be documented by the administrator.

**Reporting Requirement:**

By June 15, 2020, the district will provide a report to OCR identifying its compliance with Section II.D.3 for the 2018-2019 and 2019-2020 school years.

**E. Student-Specific Actions**

1. The district will convene a team of knowledgeable persons to make individual determinations as to whether any compensatory education should be provided to each secondary student receiving special education services and/or related aids and services during the 2017-2018 school year to remedy the effects, if any, of any services not provided to each such student during that same school year under the provisions in the students' 504 Plans/IEPs. The students' parents and/or guardians (students' parents) will be invited to participate in these individual team meetings. If an individual team determines that compensatory education should be provided to a student, the team will prepare a plan for providing the appropriate services. OCR will, prior to approving the district's determinations and plans for providing the proposed services for each secondary student receiving special education services and/or related aids and services during the 2017-2018 school year, review documentation 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. The determination and plan for each student will include: the name and job title of the individuals who participated in each Section 504/IEP team meeting; what information was considered in the determination of whether compensatory education should be provided to each student to remedy the effects, if any, of any services or accommodations not

provided to the student during the 2017-2018 school year; what compensatory services, if any, were determined to be necessary and offered to each student; and if services were offered, the plan for providing the services.

**Reporting Requirement:**

By June 29, 2018, the district will submit to OCR, for review and approval, documentation of its determination as to whether each secondary student receiving special education services and/or related aids and services during the 2017-2018 school year should be provided compensatory education and if necessary, a draft of each plan for providing appropriate services. OCR will review each determination and plan and notify the district if revisions are required. If OCR requires revisions to a determination or plan, the district will re-submit the revised determination or plan to OCR for review and approval within 30 days of receiving notice of the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's determinations and plans.

2. If it is determined that compensatory education should be provided, the district will promptly offer the compensatory education services set forth in the plan approved by OCR to the students' parents. If the students' parents agree to the services offered, the district shall provide the services in a timely manner to the students.

**Reporting Requirements:**

- i. Within 45 days of receiving OCR's approval of the plan, the district will provide OCR a report regarding whether each identified student's parents have accepted the compensatory services offered by the district.
- ii. Within 30 days of completion of the provision of compensatory services to each identified student, the district will provide OCR a report on the compensatory services that includes a description of the services provided, when they were provided, and by whom.

**III. GENERAL PROVISIONS**

- A. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, 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 the regulation implementing Section 504 and Title II at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.

- B. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

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Stewart McDonald  
Superintendent  
North Slope Borough School District

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May 8, 2018  
Date