

RESOLUTION AGREEMENT
XXXXX Public Schools
OCR Case No. 11-22-1516

XXXXX Public Schools (the District) agrees to fully implement this Resolution Agreement to resolve the allegation investigated in Office for Civil Rights (OCR) Case No. 11-22-1516. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item 1

The District will investigate the Complainant's complaint of disability discrimination and harassment, and if the investigation reveals that discrimination and/or harassment occurred, take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Reporting Requirements:

- a. By June 1, 2023, the District will submit for OCR review and approval, a description of its response to the Complainant's complaint of disability discrimination and harassment against Sheppard Pratt School and all supporting evidence.
- b. Within 5 calendar days of receiving OCR's approval, the District will notify the Complainant in writing of the outcome of its response and provide OCR with a copy of the written notification.

Action Item 2

The District will provide training to the Comprehensive Alternative Resolution & Equity Team (CARE) regarding the District's responsibilities under Section 504 and Title II for District students in an out-of-district placement. The training will cover, at a minimum, the District's obligation to promptly and effectively respond to a report of discrimination or harassment of a District student in an out-of-district placement.

The District will survey training participants regarding the effectiveness of the training and provide the results to OCR

Reporting Requirements:

- a. By June 15, 2023, the District will submit to OCR, for OCR's review and approval, a copy of the proposed training materials and the name(s), position title(s), and qualifications of the individual(s) who will conduct the training.
- b. Within 14 calendar days of receiving OCR's approval, the District will conduct the training and provide verification to OCR, including: (a) the date(s) of the training

session(s); (b) a sign-in sheet with the names, signatures, and position titles of the District personnel who participated in each training session; and (c) the results of the training participant survey.

Action Item 3

The District will provide annual training (hereinafter “training”) to all non-public schools within and outside of the District that service District students of the District’s obligation to promptly and effectively respond to a report of discrimination or harassment of a District student in an out-of-district placement. The training will inform the placement directors/lead administrators of the non-public schools (hereinafter “placement directors/lead administrators”) of their obligations to inform the students of the process for making a confidential complaint about the services or treatment he or she is receiving at the school or program. The training will also advise the placement directors/lead administrators of the grievance process available through the District’s Comprehensive Alternative Resolution & Equity (CARE) Team and the CARE Team’s responsibility to resolve reports of discrimination based on race, color, national origin, disability, and sex, including harassment on any of these bases. The training also will ensure that the placement directors/lead administrators are aware of their obligation to notify the CARE Team of any reports of discrimination or harassment of a District student and that they must acknowledge receipt of any report to the individual bringing the report within one business day of receipt of the report (oral or in writing). The training will further inform the placement directors/lead administrators that, in addition to any and all responsibility the placement may have to respond to any such report, the District will also maintain responsibility for ensuring a prompt and effective response to the report. The training will explain that upon receipt of the report, the District will confer with the placement director/lead administrator and determine whether the placement, or the placement and District together, will investigate the report. The training will further notify the placement director/lead administrator of the following:

- (1) If it is determined that the placement will investigate the report, then the placement will promptly and effectively investigate the report to determine whether any discrimination or harassment occurred and, if so, take prompt action reasonably calculated to stop the harassment, prevent its recurrence and, as appropriate, remedy its effects. In such cases, the placement will notify the District of the initiation and conclusion of its investigation within one day of the initiation and conclusion of the investigation, respectively; and will include notice of its determination regarding whether any discrimination or harassment occurred and, if so, what steps the placement has taken or will take to stop the harassment, prevent its recurrence and, as appropriate, remedy its effects. If the District believes that additional responsive action is warranted, or that the investigation was not properly conducted or the results of the investigation were incorrect, then the District will promptly contact the placement to discuss and, if appropriate, work with the placement to address such concerns.
- (2) If it is determined that the District will investigate the report with the placement, then the placement must work promptly and cooperatively with the District so that the District may ensure that the report is promptly and effectively investigated and, if necessary, that appropriate responsive action regarding the report is taken.

The District will provide annual training at the beginning of each school year to the directors/lead administrators of each non-public program at which any District student is placed; and will also update the programs with any revised material, including the most recent version of the Non-Public Handbook mid-school year if any District student is placed in a new non-public program mid-year.

Reporting Requirements:

- a. By August 15, 2023, the District will submit a copy of the draft presentation to OCR for OCR's review and approval.
- b. By September 15, 2023, the District will submit a copy of the SY 23-24 Non-Public Handbook, which will contain information about the District's complaint procedures.
- c. Within 14 calendar days of receiving OCR's approval, the District will conduct the training of the required non-public programs and provide verification to OCR.

Action Item 4

The District will submit to OCR, on a quarterly basis, a list of all reports the District receives between the signing of this Agreement and the end of the 2023-2024 school year, regarding alleged harassment or discrimination of a District student in an out-of-district placement. The list will include for each report: (a) the out-of-district placement where the alleged harassment or discrimination occurred; (b) the date of the report and whether it was first reported to the District or the placement; (c) if the report was first made to the placement, the date the placement notified the District; (d) a description of the report, whether the placement or the District investigated, and the outcome of the investigation, including any remedial measures or responsive actions taken; and (e) whether the District or placement provided notice of the outcome to the person who made the report.

If OCR determines it needs underlying documentation associated with any report(s), the District will provide such documentation within 14 calendar days of OCR's request. If OCR determines that the District is not in compliance with Section 504 or Title II with respect to a specific report, then, within 60 calendar days of the date of OCR's notice, the District will respond to the complaint consistent with the requirements of Section 504 and Title II. If OCR determines additional training is necessary, then, within 60 days of OCR's notice, the District will provide additional training in accordance with Action Item 2 above.

Reporting Requirements:

1. By July 15, 2023, the District will provide OCR with the information identified above for reports received after this Agreement is signed through the end of the 2022-2023 school year.
2. By November 30, 2023, February 28, 2024, May 31, 2024; and August 31, 2024, the District will provide OCR with quarterly submissions of the information identified above for reports received during the 2023-2024 school year.

3. If OCR notifies the District that it is not in compliance with Section 504 or Title II as discussed above, within 75 calendar days of receiving notice from OCR, the District will provide OCR with a statement and documentation regarding all actions taken to respond to each report identified in the notice from OCR.
4. If OCR notifies the District that it needs to provide additional training, within 14 calendar days of providing the training, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2, including: (a) the name of the individual(s) who conducted the training; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet with the names, signatures, and position titles of the District personnel who participated in the training session.

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. 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.

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 with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Title II and its implementing regulation at 28 C.F.R. Part 35.

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

By: _____ Date: _____

XXXXX

XXXXX Public Schools