

RESOLUTION AGREEMENT

[redacted content]

OCR Case No. 11-23-1396

[redacted content] (the Division) agrees to fully implement this Resolution Agreement (the Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Case No. 11-23-1396. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item I: Compensatory Services for the Student

By October 31, 2023, after providing proper written notice to the Student's parent/guardian, the Division will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the Student's parent/guardian, to: (a) consider whether further evaluation or revisions to the student's IEP or placement are necessary as a result of [redacted content] issues; (b) unless the Division can provide evidence indicating that the Student's exclusion was ten or less school days, determine whether the Student's out-of-school suspensions on [redacted content] were due to behavior related to his disability (also referred to as a manifestation determination); and (c) if the group determines that revisions to the IEP are appropriate and/or the suspension was a manifestation of the Student's disability, it will discuss the provision of compensatory and/or remedial services to the Student for the time period the Student may not have received appropriate regular and/or special education or related services, during the [redacted content] school year.

If the group determines that the Student requires such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 1, 2024. The Division will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing. Additionally, if the group determines that the suspension was a manifestation of the Student's disability, the Division will expunge the Student's disciplinary record for the suspensions on [redacted content], if applicable.

Reporting Requirements:

- a. Within one week of the meeting, the Division will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and a list of meeting attendees. The Division will also submit to OCR a copy of the written invitation to the Student's parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the Student's parent/guardian. OCR will review the documentation submitted to ensure that the Division met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

- b. By July 1, 2024, the Division will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Action Item II: Recordkeeping and Notification

The Division will review its recordkeeping system and modify as appropriate to ensure the following is included:

- a. Written instructions to School staff outlining:
 - i. What constitutes an in-school-suspension and an out-of-school suspension, as defined by OCR's Civil Rights Data Collection;
 - ii. How to document suspensions which are less than a full school day in duration;
 - iii. How suspensions are maintained, compiled, accessed, and monitored through the Division's recordkeeping system(s), and the name(s) and title(s) of Division and School staff responsible;
 - iv. The need for notice to parents/guardians of a suspension on the day the suspension begins, with written notice to be provided within one day;
 - v. A reminder that a Suspension Notice and suspension documentation may need to be generated for an exclusion which was less than one full school day (e.g., if a student is sent home early from school), as defined by OCR's Civil Rights Data Collection; and
 - vi. When applicable, this record must be provided to a student's IEP or Section 504 Team.
- b. A Suspension Notice that includes, in addition to the elements the Division presently includes in its notices:
 - i. Accurate identification of the date and time each suspension began;
 - ii. Information about the behavior(s) that prompted the use of suspension;
 - iii. The total amount of school days to be missed due to the suspension, including partial days; and
 - iv. The date and method of parental/guardian notification.

Reporting Requirement:

By December 15, 2023, the Division will provide to OCR, for OCR's review and approval, a template of each element in its modified recordkeeping system, including a copy of the written instructions and a copy of the written Suspension Notice. Within 30 calendar days of receiving OCR's approval, the Division will implement the modified recordkeeping system and will notify staff, and within 45 calendar days of receiving OCR's approval, the Division will provide evidence to OCR that it has taken these steps.

Action Item III: Training

The Division will provide training for all instructional staff, school administrators, and relevant Division administrators (i.e., principals, assistant principals, attendance secretaries, education specialists, counselors, behavioral interventionists, regular education teachers, special education teachers, etc.) at School A and School B on how school attendance and school exclusion implicate FAPE. The Division will ensure that, at a minimum, the training will discuss the following topics:

a. School Exclusion:

- i. The Division's recordkeeping and notification procedures and monitoring requirements for suspensions, including partial-day suspensions;
- ii. The Division's policies and practices around classroom-level staff communicating with parents/guardians about student behavior during the school day;
- iii. How to recognize when a parent/guardian's early pick-up should be reported as a partial-day suspension, and the procedures for recording it as such;
- iv. How to minimize the incidents of early school pick-ups related to student behavior, including alternative intervention approaches;
- v. When a student's IEP team or Section 504 team must convene to address an escalation in behavioral incidents, e.g., to reevaluate the student, identify any additional necessary supports and services for the student, and/or determine appropriate compensatory services for a student denied FAPE; and
- vi. How classroom-level staff should communicate to a student's IEP team or 504 team when they believe a team meeting is warranted in response to behavioral escalations.

b. School Attendance:

- i. The Division's recordkeeping and notification procedures and monitoring requirements for school absences, tardies, and early pick-ups;
- ii. The Division's policies and practices for sharing information about a student's disability and/or medical conditions with attendance secretaries and other relevant staff;
- iii. For a student with an identified disability, the Division's policies and practices for sharing attendance information with a student's IEP team or Section 504 team; and
- iv. When a student's IEP team or Section 504 team must convene to address student attendance which may be related to the student's disability and result in a potential denial of FAPE.

- c. How school exclusion and student attendance which is related to the student's disability may deny a student FAPE, and the Division's obligation to:
 - i. Determine whether current interventions and supports are being implemented properly;
 - ii. Determine the extent to which additional or different interventions or supports and services, including positive behavioral interventions and supports and other behavioral strategies may be needed, and, if necessary, reevaluate the student;
 - iii. Ensure that any needed changes are made promptly; and
 - iv. Remedy the denial of FAPE.

Reporting Requirements:

- a. Within 30 calendar days of OCR's approval of the recordkeeping and notification procedures described in Action Item II, the Division will provide to OCR, for OCR's review and approval, a copy of the training materials it will use; the proposed date for completing training; and the names, titles, and professional qualifications of the trainers.
- b. Within 7 calendar days of the completion of the required training, the Division will submit to OCR documentation of the following: (a) the date(s) of the training session(s); and (b) a sign-in sheet including a list of the names, signatures, and position titles of the personnel who participated in each training session.

By signing this Agreement, the Division 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 schools within the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement.

The Division understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the Division is in compliance with the terms of the Agreement and with Section 504 and its implementing regulation at 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35.

The Division 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 Division written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____
[redacted content]

Date: October 5, 2026