

Resolution Agreement
Grass Lake Community School District
OCR Docket # 15-15-1019

The Grass Lake Community School District (District) submits this resolution agreement to the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. The District therefore agrees to do the following:

ACTION STEPS – Individual Remedies

1. By February 29, 2016, the District will convene a meeting of a group of persons knowledgeable about the student at issue in this complaint (the Student), evaluation data, and placement options (the team). The District will invite the Student's parents to participate in the team meetings, giving them reasonable notice, and, in the event that the parents are unable to attend, the District will provide them with a meaningful opportunity to provide input into team determinations.

The team will determine:

- a. whether the Student needs compensatory and/or remedial services as a result of any District failure to provide appropriate regular and/or special education or related services from xxx xx xxxx, until the Student was placed on an Individualized Education Program (IEP) or Section 504 Plan in xxxxxxxxxx xxxx; and
 - b. determine the amount of time in each of the xxxx-xxxx and the xxxx-xxxx school years when the Student was excluded from his program by being xxxx xxxx xxxxx, taken to another location, or given an xx xxxxx or xxx xx xxxx xxxxxxxxxx and thus did not receive his education program. If the exclusions in either year exceeded ten school days per incidence or through a series of exclusions that constituted a significant change in placement, the team will determine whether the behavior resulting in discipline in excess of ten days per school year was a manifestation of the Student's disability. If so, the District will remove any record of the discipline imposed for the periods in question from the Student's record and will determine whether compensatory education or other remedial services are necessary due to the exclusions.
2. If the District determines through Action Step 1 that compensatory or remedial services are necessary, the District will develop a written plan for providing the Student with services. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, as well as who will deliver the services and when. The services will then become part of the Student's IEP or Section 504 plan.

3. The District will provide written notice to the Student's parents of any determinations made under Action Steps 1 and 2, as well as notice of the procedural safeguards available to them under the Section 504 implementing regulation at 34 C.F.R. § 104.36, such as their right to challenge such determinations through an impartial due process hearing.

Reporting Requirements:

By March 15, 2016, the District will submit to OCR documentation showing implementation of Action Steps 1-3 above, including a copy of any meeting minutes; a copy of any compensatory services plan developed for the Student; documentation of any input provided by the Student's parents and notice of procedural safeguards provided to them; any other documentation relevant to the determinations reached; and, as appropriate, a copy of the Student's amended discipline records. Should the District determine that no compensatory education or other remedial services are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. The District will similarly provide written explanation and supporting documentation for its determinations regarding the Student's exclusions. OCR will review the documentation submitted to ensure that the District has 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.

By July 31, 2016, the District will provide documentation to OCR of the dates, times, and locations any compensatory education or other remedial services were provided to the Student, as well as the name(s), title(s), and qualifications of the service provider(s).

ACTION STEPS - District-wide Remedies

4. By February 29, 2016, the District will revise and submit to OCR for review its Section 504 policies and procedures to ensure the timely identification, evaluation, and placement of students with disabilities under Section 504. Revisions should include:
 - a. clarification that students are eligible for protection as students with disabilities and for a plan for services under Section 504 if they are substantially limited in any major life activity, not only learning, under the Americans with Disabilities Amendments Act and so incorporated into Section 504;
 - b. clarification that mitigating measures such as medication may not be considered when determining whether a student is a student with a disability under Section 504 and Title II;
 - c. clarification consistently expressed throughout the policy as to the name and/or title and contact information of the person designated to ensure the District's compliance with Section 504 and Title II;
 - d. clarification of how/where requests for impartial due process hearings may be filed;

- e. clarification of accessibility requirements for newly constructed facilities and for those which qualify as existing construction and alterations;
- f. clarification of the difference between the District's grievance procedures and its due process procedures;
- g. clarification of how Districts may/may not discipline students with disabilities, including what can constitute a significant change of placement in the disciplinary setting;
- h. clarification that, while school districts may use regular education intervention strategies to assist students with difficulties in school, Section 504 requires recipient school districts to timely refer a student for an evaluation for possible special education or related aids and services or modification to regular education if a student, because of disability, needs or is believed to need such services and to complete the evaluation within a reasonable period; clarification that use of a Student Study Team should not delay evaluation for a student suspected of having a disability; and
- i. identification of OCR's correct address, should the District wish to mention OCR in its policy.

Reporting Requirement:

By February 29, 2016, the District will submit its revised Section 504 policies and procedures to OCR for review and approval.

- 5. Within 60 days of OCR's approval of the District's revised Section 504 policies and procedures, the District will adopt them, inform employees, parents/guardians, and students of the new policies and how to access them, post them to its website, and include them in District handbooks. Inserts may be used for any hard copy handbooks until the next scheduled re-printing. The District will also provide training to staff in the District responsible for the identification, evaluation, re-evaluation, and placement of students with disabilities. The training will be provided by a source with expertise in Section 504 and Title II and shall, minimally, include training on the revised District policies and on Section 504's/Title II's requirements regarding the identification, evaluation, re-evaluation, and placement of students with disabilities and Section 504's requirements regarding discipline of students with disabilities.

Reporting Requirement:

Within 90 days of OCR's approval of the revised Section 504 policies and procedures developed under Action Step 4 of this Agreement, the District will submit to OCR documentation of its implementation of Action Step 5, including copies of correspondence to employees, parents/guardians, and students; a link to the District's website where the policies and procedures are posted; a copy of any re-printed handbooks and/or inserts for same; and a copy of all training

materials, as well as information documenting the date(s) of the training(s), the identity and qualifications of each person delivering the training(s), and any agendas, outlines, handouts, and sign-in sheets. Sign-in sheets should include the name, job title, and building of all persons who attended the training(s).

General Requirements

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Subpart D, 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 its implementing regulation at 34 C.F.R. Subpart D.

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 Designee

2/3/2016_____
Date