

**Resolution Agreement
Lansing School District
OCR Docket #15-15-1087**

Lansing School District (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The District agrees to take the following actions:

- I. By **October 30, 2019**, the District will revise and submit to OCR for review approval its procedures and any related forms regarding the identification, evaluation and placement of students with disabilities, to ensure that students with disabilities are evaluated prior to a significant change of placement, through a process that comports with the Section 504 regulation at 34 C.F.R. § 104.35. At a minimum, the procedures will require the following:
 - A. The procedures will state that, before implementing any exclusion that constitutes a significant change in placement, the District will first conduct a reevaluation of the child under 34 C.F.R. § 104.35; the first step of which is to determine whether the child's behavior was a manifestation of his or her disability; this reevaluation will be made as soon as possible after the disciplinary action is administered and, in any event, before the eleventh day of the suspension or removal. For the purpose of this agreement, a significant change in placement is any disciplinary suspension, expulsion or other exclusion that exceeds ten days or any series of shorter suspensions or exclusions that in the aggregate total more than ten days and create a pattern of exclusion. The procedures must make clear that, in determining whether a pattern of exclusion exists, the District will consider all information in the student's special education and disciplinary files. Where a Student is a Student with an IEP and covered by the Individuals with Disabilities Education Act ("IDEA"), the District procedures will require that the IDEA disciplinary protections are followed and OCR accepts that compliance with the IDEA procedures is sufficient compliance with this paragraph.
 - B. Where the student's behavior is found to be a manifestation of a disability, the procedures must provide that the District will continue with the evaluation, following the requirements of the Section 504 regulation at 34 C.F.R. § 104.35, to determine whether the student's educational placement is appropriate and what, if any, modifications to that student's placement are necessary to provide the student with a free appropriate public education (FAPE). The group conducting the evaluation must be knowledgeable about the child, the evaluation data, and the placement options. Where a Student is a Student with an IEP and covered by the Individuals with Disabilities Education Act ("IDEA"), the District procedures will require that the IDEA disciplinary protections are followed and OCR accepts that compliance with the IDEA procedures is sufficient compliance with this paragraph.

- C. The procedures and any related forms will make clear that the procedures for evaluation prior to any significant change in placement, as revised pursuant to this Agreement, apply to referral of students to the District’s PASS program and any similar or replacement program.
 - D. The procedures will further provide that if the District receives information or has reasons to suspect that a student who is already identified as a student with a disability may also have an additional previously unidentified disability, the student's Section 504 team or IEP team will convene an evaluation review or REED meeting to determine whether the District should evaluate the student to determine if the student has an additional disability and requires any change in placement or services to receive a FAPE as a result.
 - E. The procedures must require that parents/guardians be provided with procedural safeguards as required by 34 C.F.R. § 104.36, including but not limited to notice of the evaluation and reevaluation determinations made by the District and of how to request an impartial hearing.
- II. Within **30 calendar days** of receipt of the OCR-approved procedures and form(s) revised pursuant Action Step I above, the District will: adopt the OCR-approved procedures and form(s); publish them on the District’s website, along with a link that provides ready access to the procedures and form(s); and notify staff of the revised procedures and form(s) by distributing a memorandum to staff and by including notice of them in a staff meeting or in-service training.

Reporting Requirements: By **September 30, 2019**, the District will submit to OCR the procedures and form(s) revised pursuant to Action Step I above. Within **30 calendar days** of receipt of OCR’s written approval of the procedures and form(s) referenced in Action Step I above, the District will submit information documenting its implementation of Action Step II above, including a link to the procedures and form(s) on the District’s website, and an explanation of how staff were notified of the revised procedures and form, along with a copy of all written notices, if any.

III. Within **60 calendar days** of receipt of the OCR-approved revised procedures and form(s) pursuant to Action Step I above, the District will provide mandatory Section 504 training, by a competent authority on Section 504, to all District Section 504 coordinators, principals, assistant principals, special education teacher consultants, special education supervisors, staff at each building responsible for tracking and notifying the special education supervisors when any student with a disability reaches five days of removal, and members of the student services consultation team. The training shall include, at a minimum, Section 504’s requirements regarding the evaluation, placement, and reevaluation of students with disabilities, with an emphasis on significant changes of placement and reevaluations including in the context of discipline. The training will also cover all of the revisions to its procedures and form(s) as described in Action Step I above, and the limited situations in which a student with a disability can be placed in the District’s PASS program and the procedural requirements for referring a student to the PASS program.

Reporting Requirement: Within **60 calendar days** of the OCR-approved procedures and form(s) revised pursuant to Action Step I above, the District will submit information to OCR documenting its implementation of Action Step III, including: the date(s) of the training, the name, title and qualifications of the individual(s) providing the training, a copy of the training materials referenced or distributed during the training, and a copy of the sign-in sheet with the names, titles, and signatures of the individuals who attended. If any required participants were unable to attend the training, the District should note their names and titles and its plan for providing the training to those individuals.

General Requirements

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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effectively immediately upon the signature of the District’s representative below.

_____/s_____
Signature of Superintendent or Designee

Date