

RESOLUTION AGREEMENT
Lakeshore School District
OCR Docket #15-15-1408

In order to resolve the issues raised in the above-referenced complaint filed with the U.S. Department of Education's Office for Civil Rights (OCR), and to ensure Lakeshore School District (the District)'s compliance with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106 (Title IX), and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), the District agrees to take the actions outlined in this Resolution Agreement (Agreement). By entering this Agreement, the District makes no admission of any violations of law. Any visits OCR makes to the District to monitor this Agreement will be with reasonable notice to the District.

I. Individual Remedies

- A. By **July 31, 2017**, the District will complete its investigations into the incidents of sexual harassment reported by the Student on xxxxxxxx xxxxxxxxxxx xxxxxxxxxxx xxxxxxxx, and xxxxxxxxxxx. In doing so, it shall provide the Student and xxx parents and any respondent(s) an opportunity to provide any relevant information and identify witnesses. By **July 31, 2017**, the District shall issue the Student's parents and any respondent(s) written notice of the outcome of the investigations, including its determinations as to whether sexual harassment occurred under Title IX. To the extent that the District concludes that sexual harassment occurred, the written notice of outcome to the Student's parents should include a description of the actions the District will take to stop the harassment, prevent further harassment, and remedy any discriminatory effects on the Student. Individual remedies may include coordination of and/or reimbursement for services to be delivered through the Student's current school district (if not the District) or outside providers selected by the Student's parents. The District should further inform the Student's parents of any opportunity to appeal the District's finding, should they wish to do so.

Reporting Requirements: By **July 31, 2017**, the District will provide to OCR documentation that it has carried out the requirements of Paragraph I.A. This will include copies of all investigate materials or reports related to the incidents of sexual harassment and written notice and any remedial plan provided to the Student's parents. By **January 31, 2018**, the District will provide to OCR documentation that it has taken the actions set forth in any remedial plan.

- B. By **July 31, 2017**, the District will convene the Student's Section 504 team, including the Student's parents, to determine what compensatory education or other remedial services the Student requires for the time period from xxxxxxxxxxx to xxxxxxxx, 2015, in which the District had reason to believe the Student was a student with a disability under Section 504. The team will also consider what effect, if any, alleged sexual harassment against the Student from xxxxxxxxxxx xxxxxxxxxxx had on her ability to obtain a free appropriate public education (FAPE). The team will develop a written plan for providing the Student with the compensatory education or other remedial services

deemed necessary, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when, and will become part of the Student's Section 504 plan. Compensatory education may include coordination of and/or reimbursement for services to be delivered through the Student's current school district (if not the District) or outside providers selected by the Student's parents. Further, the team will—within 60 days of the Student's re-enrollment in the District, should xxxxxxxxxxxx do so—determine whether any revisions to the Student's current Section 504 plan are appropriate, including to clarify the specific placement and related aids and services the Student needs and when, how, and by whom the District will provide them. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

Reporting Requirements: By **October 1, 2017**, the District will provide to OCR documentation showing implementation of Paragraph I.B, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Paragraph I.B. OCR will review the documentation submitted 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.

By **January 31, 2018**, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s). If the Student has re-enrolled in the District by this point, the District will provide documentation that it revised the Student's Section 504 plan and provided notice and procedural safeguards to the Student's parents. If the Student has not re-enrolled, the District should inform OCR of this fact and comply with the following reporting requirement.

By **January 31, 2019**, the District, if the Student has re-enrolled in the District by this point, the District will provide documentation that District revised the Student's Section 504 plan and provided notice and procedural safeguards to the Student's parents. If the Student has not re-enrolled, the District should inform OCR of this fact and no further action on this item is necessary.

II. District-Wide Remedies

A. By **July 31, 2017**, the District will revise:

1. Its student and parent handbooks to ensure that information conveyed in those documents with respect to the District's policy/procedure for reporting sexual

harassment is consistent with that set forth in Board Policy and Administrative Guideline 2260.

2. Its Section 504 Manual for Identifying and Serving Eligible Students: Policies, Guidelines, and Forms (the Manual) to include appropriate contact information for the District's Section 504 Coordinator.
3. Board Policy 2260.01A and 2260.01B to ensure consistency with the Manual and the Section 504 regulation, including but not limited to the requirement for periodic reevaluations and reevaluations prior to any significant change in placement, the definition of FAPE, and determination of a student's eligibility for placement and services; and additionally to address the following:
 - a. Timeframes that ensure the District will complete evaluations and placement determinations without unreasonable delay.
 - b. Clarification that Response to Intervention plans are not to be used in place of Section 504 plans for a student with a disability.
 - c. Information as to whom at the District a parent should direct a request for a due process hearing.

Reporting Requirements: By **July 31, 2017**, the District will provide to OCR for its review and approval documentation verifying that it has carried out the requirements of Paragraph II.A. This should include copies the relevant sections of all revised policies, Manual, and handbooks.

- B. Within 30 calendar days after notice of OCR's approval of the District's revised policies, Manual, and handbook sections, the District will adopt and disseminate those items. To the extent that reprinting of the policies, Manual, and handbooks in hard copy is cost prohibitive, the District may disseminate to students, parents, and staff, links to the updated policies, Manual, and handbook via e-mail until the next regularly scheduled printing of policies, Manual, and handbooks occurs.

Reporting Requirement: Within 60 calendar days following OCR's approval of the District's revised policies, Manual, and handbook sections, the District will provide to OCR documentation verifying that it has carried out the requirements of Paragraph II.B. This should include copies of any e-mails sent out to students, parents, and staff; web links to new policies; and, to the extent timely, copies of the finalized handbooks.

- C. By **October 1, 2017**, the District will provide training to all District administrators and school counselors regarding:
1. the requirements of Title IX regarding sexual harassment, and specifically, the District's Board Policy and Administrative Policy 2260. The training will focus on the proper procedure for identifying, reporting, and responding to sexual harassment complaints within the District; and
 2. the requirements of Section 504 with respect to the identification, evaluation, and placement of students with disabilities. The training will specifically focus on the right of students with disabilities that are medical/psychological in nature to obtain

placement under Section 504, the requirement that an evaluation be conducted before any initial placement of a student with a disability, and that alternative plans and approaches (such as Response to Intervention plans, tutoring plans, etc.) should not be used in lieu of a Section 504 placement and aids and services for a student with a disability.

Reporting Requirement: By **October 1, 2017**, the District will provide to OCR documentation verifying that it has carried out the requirements of Paragraph II.C. This should include copies of any presentations and handout materials used, information on the trainer, and a sign-in sheet reflecting the names and job positions of attendees at the training.

General Requirements

The District understands that OCR will not close the monitoring of the Agreement until OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the regulation implementing Title IX at 34 C.F.R. §§ 106.8 and 106.31 and Section 504 at 34 C.F.R. §§ 104.33 and 104.35, which were at issue in this complaint.

The District understands that by signing the Agreement it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the 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 the Agreement and is in compliance with the regulation implementing Title IX at 34 C.F.R. §§ 106.8 and 106.31 and Section 504 at 34 C.F.R. §§ 104.33 and 104.35.

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 60 calendar days to cure the alleged breach.

/s/

7/24/2017

Superintendent or Designee

Date