

**Flint Community Schools
Resolution Agreement
OCR Docket #15-19-1462**

Flint Community Schools (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring the District's 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, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the following actions:

Action Step 1

- A. Within 14 calendar days of signing this Agreement, the District will draft and send a certified letter to the Student's parent(s) and/or guardian inviting them to re-enroll the Student in the District. The letter shall explain that should the Student re-enroll, within 30 calendar days of the Student's enrollment, and after providing proper written notice to the Student's parent(s) and/or guardian, the District will convene a team consisting of individuals knowledgeable about the Student, the Student's evaluation data, and the placement options, including the Student's parent(s) and/or guardian. The team will:
 - 1. Evaluate the Student consistent with the requirements of the Section 504 regulation at 34. C.F.R. § 104.35, to determine whether the Student qualifies as an individual with a disability, and if so, what regular or special education and related aids and services the Student needs to receive a free and appropriate public education (FAPE). If the Student is determined to be eligible for disability-related services, the team will develop an education plan (e.g., a Section 504 plan), which clearly explains how, when, where, and by whom those aids and services will be provided;
 - 2. determine whether any compensatory education and/or remedial services are necessary for the Student due to the District's failure to timely evaluate the Student for disability-related services during the 2018-2019 school year and for any instructional time the Student missed due to his removal from the classroom because of disability-related behaviors during the 2018-2019 school year; and
 - i. if the team determines compensatory education and/or remedial services are necessary, then within seven calendar days of making its determination, the team will develop a written plan for providing timely compensatory education and/or remedial services to the Student. The Plan will identify the nature and amount of services to be provided at no cost to the Student's parent(s) and/or guardian, the individual(s) responsible for providing the applicable services, and the dates such services are to be

provided. The District will provide a copy of the plan to the Student's parent(s) and/or guardian.

- B. Within seven days of the team meeting referenced in Action Step 1(A) above, the District will provide the Student's parent(s) and/or guardian with notice of their procedural safeguards, in accordance with 34. C.F.R. § 104.36 regarding, the team's decisions with respect to the evaluation and placement of the Student, the Student's need for compensatory education, and any plan for the provision of compensatory education services, including their right to challenge the team's determinations through an impartial due process hearing.

Reporting Requirement:

- 1. Within 60 days of signing this Agreement, the District will provide OCR with a copy of the letter inviting the Student's parent(s) and/or guardian to re-enroll the Student in the District as discussed in Action Step 1(A), and evidence showing the method of delivery to the Student's parent(s) and/or guardian as well as any response from the Student's parent(s) or guardian.

Action Step 2 -School-wide remedies

- A. By May 1, 2020, the District will provide OCR with documentation that it has a procedure in place to track when and for how long students at the District's Durant-Tuuri-Mott Elementary School (the School) are removed from class, (e.g., sent home, to the office or to in-school suspension) due to their behavior.
- B. By September 1, 2020, the District will provide training to District staff involved with the identification, evaluation, and placement of students with disabilities regarding the requirements of Section 504 and Title II and their implementing regulations. The District will provide this training to, at a minimum, the District's Section 504 coordinator, the School principal, and administrators and staff members at the School involved in evaluating and making determinations regarding student eligibility under Section 504, including social workers, psychologists, special education staff members, and any other individuals the District deems appropriate. This training shall be provided by a competent authority on Section 504 and Title II, and shall cover Section 504 and Title's prohibition against disability discrimination, Section 504 and Title II's requirements regarding the identification, evaluation and placement of students suspected of having a disability, and Section 504's requirement that eligible students be provided with FAPE. The training shall also cover Section 504 and Title II's requirements regarding the discipline of students with disabilities and will also cover the procedure referenced in Action Step 2(A).

Reporting Requirements:

- 1. By May 1, 2020, the District will submit to OCR documentation of its implementation of the procedure referenced in Action Step 1(A) above;

2. By May 1, 2020, the District will submit to OCR for its review and approval a copy of its proposed training materials the District intends to use to implement Action Step 2(B), along with information to support that the proposed trainer is a competent authority on Section 504 and Title II. Within 60 calendar days after OCR's approval of the training materials and trainer qualifications, or by September 1, 2020, whichever is later, the District will provide OCR with documentation showing that the training required by Action Step 2(B) has been provided. The documentation will include the date(s) of the training(s), copies of the agenda and any training materials used or distributed during the training(s), and a copy of the sign-in sheets showing the names and job titles of all persons who attended the training(s).

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 the 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 the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

_____/s_____
Superintendent or Designee
Flint Community School

January 24, 2020
Date