

and 1.b. above after OCR review and approval. The meetings will include each of the students' parent(s) or guardian(s). Each team will determine whether the student in question received the full amount of program services and other services required by each student's IEP during the time period. Each team will then determine what compensatory education or other remedial services are required, if any, in order to fully compensate for any program services and other services required by each student's IEP that they did not receive during the relevant time period.

2. By **September 30, 2023**, the team will develop a written plan for providing each student with the compensatory education or other remedial services deemed necessary in Items #1.b. and 1.c. above and, if still necessary, for each student in Item #1.a. above. The plan will identify the nature and amount of the services to be provided at no cost to each of the students' parent(s) or guardian(s), the provider of the services, and the date/timeframe for providing services. The plan will become part of each student's IEP. The District will provide the students' parent(s) or guardian(s) with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to the parent(s) under 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing should the parent(s) disagree.
3. The IEP team will consider for each student identified in Items #1.a., #1.b., and #1.c. whether compensatory services should include an additional period of eligibility in the program as well as additional services to compensate for each student's shortened extended school year in the summer of 2020, if applicable. The District will provide each student's parent(s) or guardian(s) with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to the parent(s) under 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing should the parent(s) disagree.

Reporting Requirements:

By **April 30, 2023**, the District will submit to OCR documentation showing implementation of Item #1.a. above, including a copy of any meeting minutes, a copy of any plan developed for each of the students in the program, documentation of any input provided by each student's parent(s) or guardian(s) and showing that procedural safeguards were provided to the parent(s) or guardian(s), and any other documentation relevant to the determinations reached in accordance with Item #1. 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 **May 31, 2023**, the District will submit to OCR documentation showing implementation of Items #1.b. above, including a copy of any meeting minutes, a copy of any plan developed for each of the students identified under Item #1.b, documentation of

any input provided by each student’s parent(s) or guardian(s) and showing that procedural safeguards were provided to the parent(s) or guardian(s), and any other documentation relevant to the determinations reached in accordance with Items #2 and #3 above. 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 **October 15, 2023**, the District will submit to OCR documentation showing implementation of Items #1.c, #2 and #3 above, including a copy of any meeting minutes, a copy of any plan developed for each of the students in the program, documentation of any input provided by each student’s parent(s) or guardian(s) and showing that procedural safeguards were provided to the parent(s) or guardian(s), and any other documentation relevant to the determinations reached in accordance with Items #1.c, #2 and #3 above. 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 **June 30, 2024**, the District will provide documentation to OCR of the dates, times, and locations that any compensatory education provided to all of the students in the program during the time period, including extended program services, or, other remedial services were provided to each student, including the name(s) and title(s) of the service provider(s).

4. By **June 30, 2023**, the District will revise its Section 504 policies and procedures to ensure that they are consistent with the requirements of Section 504 regarding providing services to students with disabilities during periods of remote/hybrid learning. The policy and procedures will clarify that the District must comply with Section 504 regardless of how it provides education, e.g., virtually, in-person, or with a hybrid learning model, and that Section 504’s definition of FAPE does not change in any of these modes of learning. The policy and procedures will also clarify that, in ensuring eligible students with disabilities receive FAPE under Section 504, the District must make decisions that consider students' health, safety, and well-being.

Reporting Requirements:

By **June 30, 2023**, the District will provide OCR with documentation, including copies of its revised Section 504 policies and procedures, and any other documents and publications containing the revisions, showing that the District implemented Item 5.

General Requirements

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104, which were at issue in this complaint.

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

/S/

03/23/2023

Superintendent or Designee

Date