

RESOLUTION AGREEMENT
Grand Rapids Public Schools
OCR Docket #15-15-1157

Grand Rapids Public Schools (the District) submits the following agreement to the U.S. Department of Education, 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. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35. The District agrees to take the following actions:

Action Steps

1. By October 12, 2015, the District will convene the Student's Section 504 team (the Team), including the Student's parent(s), the District's Section 504 coordinator, relevant teachers, and any other relevant and/or required District staff to take the following actions:
 - a. Conduct a manifestation determination review to determine whether the Student's conduct that resulted in any xxxxxxxxxxxx, xxxxxxxxxxxx or any other type of xxxxxxxxxxxx xx xxxxxxxx xx xxxxxxxxxxxx, on xxxxxxxxxxxx xx xxxx, xxxxxxxxxxxx xx xxxx, xxxxxxxxxxxx xx xxxxxx, xx, xxxxxxxxxxxx, was a result of xxxxxxxx related to the Student's disability and, if so, determine what compensatory education or other remedial services the Student may require as a result of the xxxxxxxxxxxx, xxxxxxxxxxxx, xxxxxxxx xxxx xx xxxxxxxxxxxx
 - b. Determine what compensatory education or other remedial services the Student may require for any instance, from the beginning of the xxxx-xxxx school year until xxxxxxxx xx xxxxx, when the District failed to provide the Student with the appropriate xxxxxx xxxxx xxxxxxxxxxx xxxxxxx xxxxxxx xxxxx xxxxx as described in his Section 504 plan; and, as a result, was denied a free appropriate public education (FAPE).
 - c. Draft a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Action Steps 1(a) and 1(b) above. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom they will be provided, and when they will be provided. Because the Student is not currently enrolled in the District, the plan should also identify where the services will be provided.

The District will invite the Student's parent(s) to participate in the Team meeting(s) described above, and in the event that the Student's parent(s) is unable to attend, the District will provide the Student's parent(s) with a meaningful opportunity to provide input.

2. By October 26, 2015, the District will send notification to the Student's parent(s), in writing, of the Team's decisions regarding Action Steps 1(a) and (b) above. The notification should include a detailed description of the outcome of the review, the nature and amount of compensatory education or remedial services to be provided, if any, including what services will be provided, where and how often the services will be provided, who will provide them and a notice that no cost will be incurred by the Student's parent(s). The District will also notify the Student's parent(s), in writing, of the procedural safeguards

afforded them under Section 504, including the right to challenge the determinations regarding compensatory education services or the manifestation determination through requesting an impartial due process hearing.

REPORTING REQUIREMENTS: By October 30, 2015, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1 and 2 above, including: (i) documentation showing when the Team met, who was present, what was discussed, the Team’s decisions, and the bases for those decisions; (ii) copies of any meeting minutes; (iii) a copy of any plan developed for the Student; (iv) documentation of any input provided by the Student’s parent(s) and showing that procedural safeguards were provided to the parent(s); (v) any other documentation relevant to the determinations reached in accordance with Action Step 1 above; and (vi) a copy of the notification sent to the Student’s parent(s) pursuant to Action Step 2. Should the District determine that no compensatory education or other remedial services were necessary; the District will provide a written explanation of the reasons for those determinations, along with any supporting documentation. 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.

3. By October 26, 2015, the District will xxxxxx/xxxxxxx from the Student’s xxxxxxxx xxxxxxxx xxxxxxxx xxxxxxxxxx xxxxxxxx xxxx xxxxxxxx received in excess of xxxxx cumulative days during the xxxx-xxxx school year, for xxxxxxxxxx that were determined to be a manifestation of his disability. The District may choose to follow state guidance regarding the retention of records in its implementation of this Action Step so long as the District’s actions comply with Section 504.

REPORTING REQUIREMENT: By October 30, 2015, the District will provide documentation to OCR demonstrating its implementation of Action Step 3.

4. By December 18, 2015, the District will provide all of the compensatory and/or remedial services deemed necessary pursuant to Action Steps 1(a) and 1(b).

REPORTING REQUIREMENT: By December 18, 2015, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

5. By December 18, 2015, the District will provide Section 504 training, by a competent authority on Section 504, to all of its administrators and staff members (including its designated Section 504 Coordinator) who are responsible for the identification, evaluation and placement of students with disabilities, including but not limited to those staff members who make Section 504 referrals, who engage in decision-making, and/or the provision of services under Section 504 to students with disabilities, and administrators responsible for enforcing the school’s discipline policy and/or code of conduct. The training will focus on the District’s responsibilities regarding identification, evaluation, re-evaluation, and placement procedures required by Section 504, as well as the District’s obligation to provide qualified students with disabilities a FAPE. Further, the training should specifically address

what constitutes a “significant change in placement” under Section 504 and the requirement under 34 C.F.R. § 104.35(a) that, before any significant change in placement of a student, the District must evaluate that student (i.e. a “manifestation determination”—a determination made by a group of persons knowledgeable about the student and the evaluation data of whether the misconduct is related to the student's disability). The training should also specifically address the District’s responsibilities under Section 504 if it is determined that the student’s misconduct was caused by the student’s disability (i.e., the evaluation team must then continue the evaluation to determine whether the student’s current educational placement is appropriate). The training should address the school’s policy on exclusionary discipline and clarify that involuntary removal or other exclusions of a student due to a violation of the school’s discipline policy and/or code of conduct, even if not classified or designated as an expulsion or out-of-school suspension, can contribute to a pattern of exclusions that constitutes a significant change in placement.

REPORTING REQUIREMENT: By December 18, 2015, the District will submit information to OCR documenting implementation of Action Step 5, including: (i) the date(s) of the trainings; (ii) a copy of the training agendas; (iii) a copy of the training materials used; (iv) the name, title, and qualifications of the person(s) who provided the trainings; and (v) sign-in sheets showing the names and job titles of all persons who attended the trainings.

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 in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33-104.36, which were at issue in this investigation.

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, 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 fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33-104.36.

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/

09/23/2015

Grand Rapids Public School District
Superintendent or Designee

Date