

**Resolution Agreement
St. Johns Public Schools
OCR Docket #15-15-1327**

St. Johns Public Schools (the District) submits this Resolution Agreement to the U.S. Department of Education's 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 at 28 C.F.R. Part 35. The District agrees to take the following actions:

ACTION STEPS – Individual Remedies

1. By **January 29, 2016**, the District will convene the Student's Section 504 or Individualized Education Program (IEP) team (Team), including the Student's parent(s), the District's Section 504 coordinator, the school social worker, and any relevant teachers and administrators to conduct a manifestation determination review to determine whether the Student's conduct that resulted in any exclusionary discipline (both in-school and out-of-school suspensions) she received during the 2014-2015 school year and prior to the District's re-evaluation and implementation of the Student's behavior intervention plan in the spring 2015, was a result of behavior related to the Student's disability.
2. If the District determines that the Student's conduct was a manifestation of her disability, the District will, **within seven days** of the manifestation determination review, and no later than February 5, 2016, convene the Team to determine whether compensatory education or other remedial services are necessary for the period of time the Student was excluded from school and did not receive services. Should the Team determine that compensatory education or other remedial services are necessary, the District will draft a written plan for the provision of the compensatory education services and remedial services. The plan will identify the nature and amount of 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.
3. **By February 5, 2016**, the District will provide the parent with written notification of the Team's decisions regarding the outcome of the manifestation determination as well as the Team's determination regarding any necessary compensatory education and remedial services, pursuant to the District's implementation of Action Steps 2 and 3 above, and of the parent(s)'s right to challenge the District's decisions through an impartial due process hearing. The District will provide any compensatory education or other remedial services deemed necessary pursuant to this agreement to the Student by May 31, 2016, at no cost to the Student's parent.

The District will implement the above Action Steps in accordance with the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and

104.36. The District will invite the Student’s parent(s) to participate in the manifestation determination review and the IEP meeting and, if unable to attend, will be given a meaningful opportunity to provide input before any final decisions are made.

REPORTING REQUIREMENTS: By **February 5, 2016**, the District will provide OCR with documentation verifying its implementation of Action Steps 1 and 2 above. The documentation will show when the Team met, who was present, what was discussed, the Team’s decisions, the bases for those decisions (including any records created at the manifestation determination review), and due process or procedural safeguard documents provided to the parent. If the Student’s conduct was determined to be a manifestation of her disability, the District will also provide to OCR: the invitation to the IEP meeting (to determine whether compensatory education or other remedial services are necessary) sent to the Student’s parent; all documents considered and produced at the IEP meeting showing the date the IEP team met; the meeting participants by name and title; the compensatory services agreed upon; the plan for the provision of the compensatory services; and the notice issued to the Student’s parent of the determinations made at the IEP meeting and her procedural safeguards. 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. By **May 31, 2016**, the District will provide OCR with documentation verifying that it has provided the Student the compensatory education services if determined necessary as required by Action Step 3.

ACTION STEPS – District-wide remedies

4. By **February 5, 2016**, the District will submit for OCR’s review and approval a copy of its proposed training materials to implement Action Step 5, along with the name and qualifications of the proposed trainer. The training will address the District’s responsibilities regarding identification, evaluation, and placement procedures required by Section 504 and its implementing regulation at 34 C.F.R. §§ 104.34, 104.35, and 104.36, as well as the District’s obligation to provide qualified students with a free appropriate public education (FAPE) under 34 C.F.R. § 104.33. The training will specifically address the District’s obligation, under 34 C.F.R. § 104.35(a) to conduct reevaluations for students with disabilities before making a significant change in placement. The training will also specifically include information about what constitutes a significant change in placement under Section 504 and will clarify that exclusions of more than ten days, such as the imposition of in-school suspensions, out-of-school suspensions or other non-formal exclusionary discipline, that result in the denial of services to a student with disabilities, amount to a significant change in placement.
5. After OCR’s approval of the training materials submitted under Action Step 4 and by no later than **September 2, 2016**, the District will provide training by a competent authority on Section 504, on the District’s obligations to students with disabilities under Section 504, to the District’s XXXXXXXXXXXX supervisor, Section 504

coordinator(s) and all school administrators at the District’s St. John’s Middle School who are responsible for student discipline.

REPORTING REQUIREMENTS: By **February 5, 2016**, the District will submit to OCR for review and approval its proposed training materials for implementation of Action Step 5. After OCR’s approval of the training materials submitted under Action Step 4 and **by no later than September 2, 2016**, the District will submit information to OCR documenting implementation of Action Step 5 above, including: the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); sign-in sheets or acknowledgments showing the names and job titles of all persons who received the training; and an organizational directory, or other documentation verifying that the entire set of staff who should have received the training actually did so.

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 and is in compliance with the regulations implementing Section 504 at 34 C.F.R. Part 104, Subpart D, which were at issue in this case.

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 of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Subpart D.

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/

Superintendent or Designee

Date