

RESOLUTION AGREEMENT
Four Rivers School District
OCR Docket No. 05-23-5001

Four Rivers School District (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) in resolution of OCR Docket #05-23-5001. The District submits this Agreement to ensure its 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 - 12134, and its implementing regulation at 28 C.F.R. Part 35, with respect to the issues investigated in this compliance review. The District agrees to the following:

STUDENT REMEDIES

1. By December 20, 2024, the District will notice and properly convene an Individualized Education Program (IEP) meeting for each student with disabilities who was subjected to law enforcement contact or were sent to the crisis/regulation room multiple times and missed instructional time in the 2021-2022 through 2023-2024 school years. At each meeting, the District will:
 - a. Invite the student's parents/guardians to share any concerns with the District's use of law enforcement or the crisis/regulation room.
 - b. Through the IEP team, revise and/or more clearly define any provisions concerning the use of law enforcement or the crisis/regulation room in the student's IEP as appropriate to meet the individualized needs of the student;
 - c. Determine whether its use of law enforcement or the crisis/regulation room for the student resulted in a denial of a free appropriate public education (FAPE), taking into account the extent of missed instruction and/or related services during law enforcement contacts or a crisis/regulation room visits and any instances in which the student was sent home early or required to stay home after a law enforcement contact or the crisis/regulation room visit, and if so, what compensatory education and/or remedial services are necessary to provide the student a FAPE.

In the event the team determines that compensatory and/or remedial services are necessary, the team will develop a written plan for providing the student with any compensatory education and/or other remedial services deemed necessary, include the plan in the student's IEP, commence promptly to provide such services, and complete the delivery of such services within a timeframe identified by the team that will not exceed six (6) months from the date of the IEP meeting.

Within ten (10) calendar days of each student's IEP meeting, the District will provide the student's parents and/or guardians with a copy of any written plan for providing the student with compensatory education and/or remedial services, written notification of the team's decision; and notice of procedural safeguards including the right to challenge the decision through due process.

REPORTING REQUIREMENTS: By December 31, 2024, the District will submit to OCR documentation to demonstrate its implementation of the requirements of this item pertaining to meetings, including:

- a. A list of students, by name or other identifier, for whom meetings were held pursuant to this item;
- b. The names and titles of the individuals who attended each IEP meeting;
- c. A copy of notes of each meeting;
- d. Copies of all students' IEPs and, if applicable, behavior intervention plans (BIPs);
- e. A copy of all plans for compensatory education and/or other remedial services;
- f. Copies of all notifications sent to the students' parents and/or guardians pursuant to this item;
- g. Should a team determine that compensatory education and/or other remedial services for a particular student are not necessary, a written explanation to OCR for the determination, along with supporting documentation, in order for OCR to review the documentation 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; and
- h. Any other documentation relied on or relevant to the determinations reached in accordance with this item.

By May 31, 2025, the District will submit to OCR documentation to demonstrate its implementation of the provisions of this item pertaining to compensatory education and/or other remedial services determined necessary for particular students.

POLICIES AND PROCEDURES

2. The District will develop and, upon approval by OCR, implement policies and procedures governing its use of the crisis/regulation room at Garrison School (School), to ensure that all students with disabilities at the School receive a FAPE. The policies and procedures will include criteria for referring students to the crisis/regulation room and will identify steps that must be taken prior to a crisis/regulation room referral.
3. The District will develop and, upon approval by OCR, implement policies and procedures governing contacts with law enforcement for students at the School, to ensure that all students with disabilities at the School receive a FAPE. The policies and procedures will include criteria for contacting law enforcement that is limited to criminal behaviors that cannot be effectively managed by the school, and will identify steps consistent with the requirements of Section 504 and Title II that must be taken prior to a law enforcement contact.

REPORTING REQUIREMENTS: Within 30 calendar days of signing this Agreement, the District will provide to OCR for its review and approval the draft policies and procedures developed under Item #2 and Item #3. The District will fully address any changes OCR requires and will re-submit revisions to the policies and procedures within 30 calendar days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR’s final approval of the revised policies and procedures.

Within 60 calendar days of receiving OCR’s written approval of the policies and procedures, the District will provide to OCR documentation demonstrating that it has: (1) adopted the policies and procedures; (2) provided notification to students, families, and employees of the policies and procedures; and (3) developed a plan to publish the policies and procedures in District publications and on the District’s website. Inserts may be used pending reprinting of publications.

MAINTENANCE OF RECORDS

4. The District will develop and, upon approval by OCR, implement a record-keeping system and procedures to ensure accurate, complete and timely documentation of each law enforcement contact and each use of the crisis/regulation room. The documentation will include the following, at a minimum:
 - a. The student’s name or other identifier;
 - b. The student’s grade level;
 - c. The date of the law enforcement contact or crisis/regulation room visit;
 - d. The start time, end time, and total time of the law enforcement contact or crisis/regulation room visit;
 - e. In the case of crisis/regulation room visits, whether the student elected to use the crisis/regulation room or was directed to the crisis/regulation room by District personnel;
 - f. The name(s) and title(s) of personnel directly involved (i.e., contacting law enforcement, deciding on the use of the crisis/regulation room, or supervising the crisis/regulation room);
 - g. The name(s) and title(s) of all personnel who witnessed, but were not directly involved in, the law enforcement contact or use of the crisis/regulation room;
 - h. A description of the student’s behavior(s) that precipitated an employee’s belief that a law enforcement contact or crisis/regulation room visit was justified and the antecedent factors (i.e., the events or circumstances that triggered the student’s behavior(s));

- i. A description of the de-escalation strategy or strategies used prior to the law enforcement contact or crisis/regulation room visit, or an explanation as to why de-escalation strategies were not attempted;
- j. The number of prior law enforcement contacts or crisis/regulation room visits for the student during the school year;
- k. A list of all instruction, activities or services that the student missed during the law enforcement contact or crisis/regulation room visit;
- l. An indication of whether the student’s IEP team needs to discuss follow-up actions (e.g., reevaluating the student, discussing compensatory education and/or other remedial services for the student, etc.);
- m. The date, time, and method of parent notification;
- n. The date, time, and method of administrator notification;
- o. The name(s) and title(s) of the person(s) completing the form;
- p. The date the form was completed; and
- q. The date when the report was reviewed by the District’s administration.

REPORTING REQUIREMENTS: Within 30 calendar days of signing this Agreement, the District will provide to OCR for its review and approval the draft of the record-keeping system and procedures developed in accordance with Item #4. The District will fully address any changes OCR requires and will re-submit revisions to its record-keeping system and procedures within 30 calendar days of receiving notice of the required changes from OCR. OCR and the District will continue this process until the District receives OCR’s final approval of the record-keeping system and procedures. By December 20, 2024 and June 2, 2025, the District will provide OCR a list of all law enforcement contacts and crisis/regulation room uses for the 2024-2025 school year and will provide OCR access to the underlying records upon request. By June 2, 2026, the District will provide OCR a list of all law enforcement contacts and crisis/regulation room uses for the 2025-2026 school year and will provide OCR access to the underlying records upon request.

TRAINING

5. Within 60 calendar days of OCR’s approval of the policies and procedures developed in accordance with Items #2-3 and the record-keeping systems and procedures developed in accordance with Item #4, and annually thereafter, the District will train administrators, teachers, paraprofessionals, and social workers on the following topics:
 - a. The requirements of Section 504’s implementing regulation at 34 C.F.R. §§ 104.33-104.36 regarding the District’s obligation to provide a FAPE to students with disabilities;

- b. The necessity of making individualized determinations for all aspects of students' IEPs, as well as the necessity of fully implementing students' IEPs, and providing procedural safeguards to parents, including notice;
- c. How the use of law enforcement and the crisis/regulation room can result in the denial of a FAPE;
- d. When a student's IEP team must convene to address the repeated use of law enforcement and/or the crisis/regulation room to reevaluate the student, identify any additional necessary supports and services for the student, or determine appropriate compensatory services for a student denied a FAPE;
- e. The policies and procedures for use of law enforcement and the crisis/regulation room and the record-keeping systems and procedures approved by OCR pursuant to this Agreement; and
- f. How District personnel and parents can report concerns about the use of law enforcement and the crisis/regulation room, including regarding how the use is documented; the name(s), title(s), and contact information (phone number, office address, and e-mail address) to whom concerns should be reported; and how the District will respond.

REPORTING REQUIREMENTS: Within 30 days of providing the training required this item, the District will provide OCR documentation of the training, including the dates of the training, name(s), title(s) and qualifications of the trainer(s), a copy of the materials used or distributed during the training, and a list of the personnel who attended the training.

- 6. Within 10 calendar days of the conducting the training(s) referenced in Item #5, the District will assess the effectiveness of the training by conducting surveys of the individuals who attended the training. The surveys will specifically inquire about the knowledge the attendees acquired regarding each of the topics identified in Item #5 that are required to be included in the training.

REPORTING REQUIREMENTS: Within 10 calendar days of OCR's approval of the policies and procedures developed in accordance with Items #2-3 and the record-keeping systems and procedures developed in accordance with Item #4, the District will provide OCR the surveys it proposes to use to assess the effectiveness of the training, for review and approval.

Within 30 calendar days of administering the approved surveys, the District will provide documentation to OCR of the results of the surveys and a description of any actions the District proposes to take in response should the results show that the individuals who attended training are not knowledgeable about the topics covered in their respective training.

GENERAL MONITORING PRINCIPLES

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

