



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION III
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February 11, 2019

Maura McInerney, Esq.
Education Law Center
1315 Walnut St., 4th Floor
Philadelphia, PA 19107

BY EMAIL ONLY

RE: OCR Complaint No. 03-17-1331

Dear Ms. McInerney:

This letter is to advise you of the outcome of the complaint that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received on July 26, 2017 against the School District of Philadelphia (the District). The Complainant, the Education Law Center, alleges:

1. The District discriminated against [REDACTED] on the basis of disability when he was enrolled at [REDACTED] Elementary by:
 - a. Failing to appropriately address alleged incidents of bullying, including consideration of whether the bullying resulted in the denial of a free appropriate public education (FAPE); and
 - b. Referring [REDACTED]'s guardian for truancy court proceedings for absences that were the result of his disability.
2. The District discriminated against [REDACTED] on the basis of disability when he was enrolled at [REDACTED] Elementary by:
 - a. Failing to promptly and equitably respond to disability-based harassment directed at [REDACTED] by other students;
 - b. Failing to appropriately address alleged incidents of bullying that were not based on [REDACTED]'s disability, including consideration of whether the bullying resulted in the denial of a FAPE; and
 - c. Referring [REDACTED]'s mother for truancy court proceedings for absences that were the result of his disability.
3. The District discriminated against [REDACTED] on the basis of disability when she was enrolled at [REDACTED] Elementary School by:
 - a. Failing to promptly and equitably respond to disability-based harassment directed at [REDACTED] by other students; and
 - b. Failing to appropriately address alleged incidents of bullying that were not based on [REDACTED]'s disability, including consideration of whether the bullying resulted in the denial of a FAPE.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

4. The District discriminated against [REDACTED] on the basis of disability when he was enrolled at [REDACTED] Elementary School by failing to appropriately address alleged incidents of bullying, including consideration of whether the bullying resulted in the denial of a FAPE.
5. The District discriminated against [REDACTED] on the basis of disability when he was a student at [REDACTED] Middle School by:
 - a. Failing to promptly and equitably respond to disability-based harassment directed at [REDACTED] by other students;
 - b. Failing to appropriately address alleged incidents of bullying that were not based on [REDACTED]'s disability, including consideration of whether the bullying resulted in the denial of a FAPE.

OCR enforces:

- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Section 504 and Title II, and their implementing regulations.

Dismissal of Allegations Regarding [REDACTED] and [REDACTED]

Pursuant to OCR's case processing procedures, OCR will dismiss an allegation when it obtains credible information indicating that the allegations raised by the complainant are currently resolved and are therefore no longer appropriate for investigation. During the course of our investigation, the District notified OCR that [REDACTED] and [REDACTED], previously entered into settlement agreements with the District regarding issues including, but not limited to, the issues raised by the Complainant regarding [REDACTED] and [REDACTED], in this OCR complaint. OCR reviewed copies of the settlement agreements and confirmed with counsel for [REDACTED] and [REDACTED] that the settlement agreements include the allegations pertaining to them in this complaint. Accordingly, OCR has dismissed the Allegations 2a-c and 4 insofar as they include [REDACTED] and [REDACTED].

Resolution Regarding Remaining Allegations

Before OCR completed its investigation, the District expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement. The following is a discussion of the relevant legal standards and information obtained by OCR during the investigation that informed the development of the Resolution Agreement.

Legal Standards

General

The regulation implementing Section 504 at 34 C.F.R. § 104.4(a) provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a recipient. The Title II implementing regulation at 28 C.F.R. § 35.130(a) provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity.

The Section 504 regulations, at 34 C.F.R. §104.33, require public school districts to provide a free appropriate public education (FAPE) to all students with disabilities in their jurisdictions. An appropriate education is defined as regular or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met, and that are developed in accordance with the procedural requirements of §§ 104.34-104.36 pertaining to educational setting, evaluation and placement, and due process protections. Implementation of an individualized education program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting these requirements. 34 C.F.R. §104.33(b)(2). OCR interprets the Title II regulations, at 28 C.F.R. §§35.103(a) and 35.130(b)(1)(ii) and (iii), to require districts to provide a FAPE at least to the same extent required under the Section 504 regulations.

Harassment Based on Disability/Failure to Provide a FAPE

A District's failure to respond promptly and effectively to disability-based harassment that it knew or should have known about, and that is sufficiently serious that it creates a hostile environment, is a form of discrimination prohibited by Section 504 and Title II. A District may also violate Section 504 and Title II if an employee engages in disability-based harassment of students in the context of the employee carrying out his/her responsibility to provide benefits and services, regardless of whether the District had notice of the employee's behavior. Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; physical conduct; or other conduct that may be physically threatening, harmful, or humiliating. Harassment creates a hostile environment when the conduct is sufficiently severe or pervasive as to interfere with or limit a student's ability to participate in or benefit from the District's programs, activities, or services. When such harassment is based on disability, it violates Section 504 and Title II.

To determine whether a hostile environment exists, OCR considers the totality of the circumstances from both an objective and subjective perspective and examines the context, nature, scope, frequency, duration, and location of incidents, as well as the identity, number, and relationships of the persons involved. Harassment must consist of more than casual, isolated incidents to constitute a hostile environment.

When responding to harassment, a District must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in an investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other

factors. In all cases, however, the inquiry should be prompt, thorough, and impartial. If an investigation reveals that discriminatory harassment has occurred, a District must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Should, as a result of bullying and/or harassment, a student's needs change to the extent they suggest a new disability or change in disability status, the Section 504 regulation, at 34 C.F.R. § 104.35(a), requires a school district to evaluate any student who needs or is believed to need special education or related services due to a disability. A district must conduct an evaluation before initially placing the student in regular or special education and before any subsequent significant change in placement.

Factual Background

The Complainant filed this complaint on behalf of the parents/guardians of [REDACTED] and [REDACTED]. The Complainant maintains that at all relevant times, [REDACTED] and [REDACTED] were qualified students with disabilities. [REDACTED] was enrolled at [REDACTED] Elementary School, [REDACTED] was enrolled at [REDACTED] Elementary School, and [REDACTED] was enrolled at [REDACTED] Middle School.

Harassment/Bullying and Denial of FAPE

The Complainant alleged that that District discriminated against [REDACTED] and [REDACTED] on the basis of disability by failing to promptly and equitably respond to incidents of disability-based harassment directed at them by other students and failing to consider whether the alleged incidents of disability-based harassment resulted in the denial of FAPE. The Complainant also alleged that the District discriminated against [REDACTED], and [REDACTED] by failing to consider whether incidents of non-disability related bullying they experienced resulted in the denial of FAPE. The Complainant provided information about, and documentation of, disability-related and non-disability related incidents of harassment and bullying experienced by [REDACTED], [REDACTED], and [REDACTED], and in some instances, documentation of correspondence between the parents/guardians and the District regarding those incidents.

Truancy Referrals

The Complainant alleged that the District discriminated against [REDACTED] on the basis of disability by referring [REDACTED]'s guardian for truancy court proceedings for absences that were the result of one of [REDACTED]'s disabilities (anxiety caused by the bullying he experienced at school). The Complaint contends that [REDACTED] missed school during the 2015-2016 and the beginning of the 2016-2017 school year due to the effects of the bullying he experienced while at school. On September 23, 2016, [REDACTED]'s guardian received a summons from the District to attend Truancy Court. [REDACTED]'s guardian attended the truancy court hearing and explained that the Student's absences were due to the effect the bullying was having on [REDACTED], but that the Truancy Court Master issued an Attendance Improvement Plan/Court Order and assigned a truancy case worker to [REDACTED]'s guardian. The Complainant explained that the truancy case was later dismissed because [REDACTED] did not have any additional absences from school despite the continued bullying.

Conclusion

Pursuant to Section 302 of OCR's *Case Processing Manual*, the District signed the enclosed Resolution Agreement on December 16, 2018 which, when fully implemented, will resolve the allegations raised in this complaint. The provisions of the Agreement are aligned with the allegations and issues raised by the Complainant and the information discussed above that was obtained during OCR's investigation, and are consistent with applicable law and regulation. OCR will monitor the District's implementation of the Agreement until the District is in compliance with the statutes and regulations at issue in the case. Failure to implement the Agreement could result in OCR reopening the complaint.

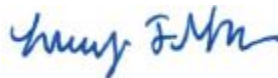
This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact Amy Niedzalkoski, the OCR attorney assigned to this complaint, at 215-656-8571 or amy.niedzalkoski@ed.gov.

Sincerely,



Lucy Glasson
Acting Team Leader
Philadelphia Office
Office for Civil Rights

Enclosure

cc: Audrey Buglione, Esq.

**Resolution Agreement
School District of Philadelphia
OCR Docket Number 03171331**

The U.S. Department of Education, Office for Civil Rights (OCR) and the School District of Philadelphia (the District) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability or non-compliance by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

ACTION STEPS AND REPORTING REQUIREMENTS

Acknowledgments and Memorandum

1. The District acknowledges that:
 - a. Pursuant to the Section 504 regulation, at 34 C.F.R. § 104.4(a) as well as Title II, at 28 C.F.R. §35.130(a), no qualified individual shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.
 - b. Bullying of a student on the basis of his or her disability may result in a disability-based harassment violation under Section 504 and Title II.
 - c. It is obligated to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction, regardless of the nature or severity of the individual's disability in accordance with Section 504 at 34 C.F.R. § 104.33.
 - d. Harassment and bullying of a student with a disability on any basis may result in a denial of FAPE under Section 504 that must be remedied.
2. December 28, 2018, the District shall distribute an email message to all District educational staff reminding of the items set forth in Action Step 1(a)-(d) above.

Reporting Requirement: By January 11, 2019, the District will submit to OCR a copy of the email message issued in accordance with Action Step #2 and documentation showing it was distributed to educational staff at each of the District's schools and administrative offices.

Anti-Harassment Statement

3. Within 45 days of the OCR's approval of the School District's policies and/or procedures, pursuant to paragraph 4 of this Agreement the District will issue a statement to all students, parents and staff that will be printed in each school's and/or District's newsletter, posted in prominent locations at the District, and published on the District's website, stating that the District does not tolerate disability harassment. The statement will encourage any student who believes he or she has been subjected to disability harassment to report the harassment to

the District, and will note the District's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment pursuant to 28 C.F.R. § 35.107(a) and 34 C.F.R. § 104.7(a). The statement will warn that students found to have engaged in disability harassment will be promptly disciplined in accordance with the IDEA and Student Code of Conduct, and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will further make clear that District staff and faculty found to have engaged in disability harassment will be promptly disciplined, and that such discipline may include, if circumstances warrant, termination of employment. The statement will encourage students and District staff and faculty to work together to prevent disability harassment.

Reporting Requirement: Within 15 days of issuance of the above statement, the District will submit to OCR a copy of the statement issued in accordance with Action Step #3 and documentation showing it printed the anti-harassment statement in each school's and/or District's newsletter, posted it in prominent locations at the District schools and published it on the District's website.

Policies and Procedures

4. By January 15, 2019, the District shall review, and revise if necessary, its anti-harassment and bullying policies and procedures to make certain such policies and procedures include disability harassment, including a definition and examples of disability harassment. The District will ensure that the policies and procedures explain the District's obligation to take immediate and appropriate steps to investigate complaints of harassment which is reported to it or of which it has notice or otherwise determine what occurred, take prompt and effective steps reasonably calculated to end any harassment and prevent harassment from occurring again, and take actions to eliminate a hostile environment, if one has been created. If a disabled student has been harassed or bullied on any basis, including a basis not related to the student's disability, the student's IEP team will make a determination of whether, due to the harassment, the Student's needs have changed such that the Student is no longer receiving a FAPE and must be remedied.

The IEP team or the Section 504 team must determine the extent to which additional or different services are needed, ensure that any needed changes are made promptly, and safeguard against putting the onus on the student with the disability to avoid or handle the bullying. In addition, when considering a change of placement, schools must continue to ensure that Section 504 FAPE services are provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Recognizing that neither Section 504 nor Title II requires a separate disability harassment complaint procedure, the District assures OCR that if it chooses to maintain a separate disability harassment complaint procedure, it will comply with the requirements outlined in the Resolution Agreement of OCR Docket # 03-17-1242.

Reporting Requirement: By January 24, 2019, the District will provide OCR with a copy of its current or proposed/revised anti-harassment/bullying procedures for OCR's review and approval, in accordance with Action Step #4 above.

Reporting Requirement: Within 90 calendar days after OCR's approval of the District's anti-harassment/bullying procedures and any related policies and procedures, the District will provide OCR with documentation that it has implemented the procedures, including a detailed written narrative explaining how students, parents, and employees are made aware of the anti-harassment/bullying procedures and may locate them in District publications or on its website.

5. By January 15, 2019, the District shall review, and revise if necessary, its procedures/guidance on truancy to make certain such procedure/guidance does not penalize students with disabilities or their parents/guardians when absences are the result of disability based harassment and bullying or harassment/bullying on any basis that results in the denial of a FAPE.

Reporting Requirement: By January 24, 2019, the District will provide OCR with a copy of its current or proposed/revised procedure/guidance on truancy for OCR's review and approval, in accordance with Action Step #5 above.

Reporting Requirement: Within 45 calendar days after OCR's approval of the procedures/guidance on truancy, the District will provide OCR with documentation that it has implemented the procedures/guidance, including a detailed written narrative explaining how students, parents, and employees are made aware of the revised procedures/guidance on truancy and may locate them in District publications or on its website.

Training

6. Subsequent to OCR's approval of the District's anti-harassment/bullying policy/procedures and procedures/guidance on truancy, the District will provide training to staff and administrators reminding them that Section 504 and Title II prohibit discrimination on the basis of disability, including harassment based on disability. The District will provide the training according to a schedule agreed upon by the OCR and the District. The training will include a discussion of what constitutes harassment on the basis of disability, the impact it has on individual students and the educational environment, the prohibition of all forms of harassment in the educational setting, examples of prohibited conduct, the importance of reporting harassment, how and to whom to report incidents of harassment, the District's obligation to respond appropriately to notice of harassment, and potential consequences and corrective action if harassment is found. The training will specifically address the responsibility of staff to report incidents of possible disability harassment or complaints of disability harassment of which they become aware and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to harassment, including disability harassment. This training could be included as part of another related training. In addition, the training for employees who are or would be members of an IEP team as part of their duties within the Office of Specialized Services will specifically address the need to determine whether harassment or bullying on any basis of a student with a disability resulted in a denial of FAPE, and if so, the steps that must be taken to provide the student with a remedy.

Reporting Requirement: Within 45 days after the completion of each training required in Action Step 6, the District will provide OCR with documentation that it provided the training in accordance with Action Step 6, including the date(s) of the training(s), information/credentials regarding the trainer(s), the agenda for the training as well as the position code for each employee who attended

the training. The District shall make the training materials available for the OCR's review at the District, but is not required to provide a copy of the training materials.

Individual Remedies

Review of Alleged Incidents of Harassment and Bullying Based on Disability

7. For ■■■ and ■■■, within 45 days of signing this Agreement, the District will re-investigate the alleged incidents of disability harassment of which it was aware during the 2016-2017 school year. The District is not required to obtain supplemental information beyond what was obtained during the original investigation unless necessary to ensure that an adequate and reliable investigation of those allegations has been conducted. The investigation will focus on whether the alleged harassment constituted harassment/bullying based on disability. If the District determines that harassment/bullying based on disability is substantiated, it will take the appropriate corrective actions as detailed below in Action Steps 9 and 10 below.
8. For ■■■, ■■■, and ■■■, within 45 days of signing this Agreement, the District will investigate the alleged incidents of non-disability based harassment/bullying of which it was aware during the 2016-2017 school year. The District is not required to obtain supplemental information beyond what was obtained during the original investigation unless necessary to ensure that an adequate and reliable investigation of those allegations has been conducted. If the District determines that non-disability harassment/bullying is substantiated, the District will take the appropriate corrective actions as detailed in Action Step 10 below.
9. If the District determines that disability harassment is substantiated for ■■■, or ■■■, within 5 business days of that determination the District will issue, by certified mail, a written offer to the parent(s) and/or guardian(s) of ■■■, or ■■■. of compensatory education hours which may be used for counseling/academic/therapy services for the assessment and/or treatment of the lingering effects on ■■■, or ■■■. from the disability harassment. The District's letter will specify that the compensatory education hours may be used to reimburse expenses for any counseling/academic/therapy services that ■■■ or ■■■. have already received in order to treat the lingering effects from the incident. The District's letter will inform the parent(s) and/or guardian(s) of ■■■, and/or ■■■. that they have ten (10) calendar days from the date of the letter to accept the offer by providing written notice of acceptance to the District.
10. If the District determines that disability harassment is substantiated for ■■■, or ■■■. or that non-disability based harassment/bullying is substantiated for ■■■, ■■■, or ■■■, within 60 days of signing this Agreement, the District will convene an IEP team meeting with a group of persons knowledgeable about the students, including, but not limited to, District administrators/staff and the students' parent(s) and/or guardian(s), to determine whether the students' education was negatively impacted by potential harassment/bullying or if the students suffered an educational loss during the 2016-2017 school year due to the harassment/bullying.

The District will conduct the meeting in accordance with the Section 504 procedural requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). The District will invite the Complainant, in writing via certified mail, to attend the IEP meeting, at least ten (10) days in advance of the meeting, unless the Complainant agrees to waive this requirement. The District will ensure that accurate meeting minutes are kept to document this meeting, including documenting information considered from all sources and all decisions made by the team.

Within ten (10) calendar days after the meeting, the District will provide the parent(s) and/or guardian(s) with written notice, by certified mail, of the outcome of the meeting, and will inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If it is determined that educational loss occurred during the 2016-2017 school year and compensatory education or other remedial educational services will be provided, the written notice will provide the amount of compensatory hours. If the team determines that no educational loss occurred, the District will provide an explanation of its decision, including the basis for its decision, along with a notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

Within 90 days of signing this Agreement, the District will provide OCR a copy of the completed investigative report as well as the notice sent to all parties regarding the resolution and outcome of the investigation, and any corrective actions to be taken, if applicable.

Within 90 days of signing this Agreement, the District will provide OCR with a copy of the letter that it sent to the parent(s) and/or guardian(s) of ■■■, and/or ■■■, offering compensatory education hours for counseling/therapy/academic services for ■■■, and/or ■■■, or compensatory education hours for reimbursement for such services, if applicable, and copies of the parent(s)' and/or guardian(s)' response, in compliance with Action Step 9. If the parent(s) and/or guardian(s) accept the District's offer, the District will provide OCR with documentation substantiating that it provided compensatory education hours for reimbursement for such services, in compliance with Action Step 9.

If applicable, within 15 days of the IEP team meeting(s) required by Action Step 10 and the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decisions. OCR will, prior to approving the District's decision and plan for providing the proposed services, 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, in making these determinations.

The documentation submitted shall include:

- a. the written invitation sent to parent(s) and/or guardian(s) of ■■■, ■■■, and/or ■■■ for the placement team meeting;
- b. a list of meeting participants;
- c. the information considered by the placement team;
- d. an explanation for all decisions made, including the team's decision as to whether the ■■■, ■■■, and/or ■■■ suffered an educational loss;
- e. a description of the types of compensatory education or other remedial service options discussed;
- f. a description of and schedule for providing compensatory education for ■■■, ■■■, and/or ■■■ for educational loss (if any);
- g. the notice of procedural safeguards provided to the parent(s) and/or guardian(s) of ■■■, ■■■, and/or ■■■ and
- h. a copy of the meeting minutes.


Review of Truancy Referrals

11. For [REDACTED], within 45 days of signing this Agreement, the District will review the truancy referrals that were made against the parent(s) and/or guardian(s) of [REDACTED]. to determine if the absences that lead to the referrals were caused by founded instances of disability based harassment and/or the denial of FAPE resulting from founded instances of non-disability based harassment.
12. If the review determines that the absences that truancy referrals that were made against the parent(s) and/or guardian(s) of [REDACTED]. were the result of founded instances of disability based harassment and/or the denial of FAPE resulting from founded instances of non-disability based harassment, the District will expunge the relevant truancy referrals from the records of [REDACTED], and [REDACTED]'s parent(s) and/or guardian(s).
13. Within 15 days of making its conclusion, the District will notify the parent(s) and/or guardians of [REDACTED]. of the outcome of the review by certified mail, as well as documentation showing that the truancy referrals have been expunged, if applicable.

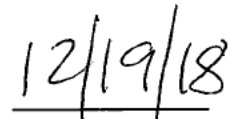
Reporting Requirements: Within 75 days of signing this Agreement, the District will provide OCR with documentation showing that the review required by Action Step #11 was conducted. The documentation will include at a minimum: the name and title of the individuals who participated in the review, the date the review took place, the information that was considered during the review, the conclusion that was reached, as well as a detailed explanation of the review.

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the resolution agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District sixty (60) calendar days to cure the alleged breach.



Superintendent or Designee



Date