

## **RESOLUTION AGREEMENT**

### **Trenton Public School District Case No. 02-14-1029**

In order to resolve Case No. 02-14-1029, the Trenton Public School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Item 1:**

By May 15, 2014, the District will convene a group of persons knowledgeable about the Student, (such as the Case Study Team), including the complainant, to develop a plan for providing remedial and/or compensatory services to the Student for the time the Student was not provided with home instruction services during school year 2013-2014. The plan will have a completion date for providing the services not to extend beyond June 30, 2014.

#### **Reporting Requirements:**

- a) By May 30, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to above; including an explanation for decisions made, and a description of and schedule for providing remedial and/or compensatory services to the Student. 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.
- b) By August 30, 2014, the District will provide documentation to OCR of the dates, times, and locations that services were provided, and the name(s) of the service provider(s).

#### **Action Item 2:**

By May 15, 2014, the District will develop a method for accurately recording whether home instructional services are provided to students with disabilities, including the date and specific number of hours these services are provided. The District will ensure that home instructors accurately record these services.

#### **Reporting Requirements:**

- a) By May 15, 2014, the District will provide documentation to OCR supporting that the District has developed a method for accurately recording whether home instructional

services are provided to students with disabilities, consistent with Action Item 2 above.

- b) By June 30, 2015, the District will provide to OCR a list of disabled students who received home instructional services for school year 2014-2015; the amount of home instruction each of these students was to receive; and documentation confirming that the home instructional services were provided and accurately recorded.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, and the ADA, at 28 C.F.R. §35.130(a), which were at issue in this case. The District also 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 the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, and the ADA, at 28 C.F.R. §§ 35.130(a), which were at issue in this case. 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 a minimum of sixty (60) calendar days to cure the alleged breach.

/S/

Date: April 30, 2014

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Superintendent  
Trenton Public School District