

## **RESOLUTION AGREEMENT**

### **Jefferson Township School District Case No. 02-16-1215**

In order to resolve Case No. 02-16-1215, the Jefferson Township School District assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the actions detailed below 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

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

By September 12, 2016, the District will convene a group of persons knowledgeable about the Student, such as a Section 504 committee, to include the complainant, to review all relevant information and consider whether an exemption from or modification of the District's attendance policy is necessary in order to avoid discriminating against the Student on the basis of her disability; and, whether the Student requires any other related aids or services to address her absences due to her disability. The group will also consider whether the Student requires any compensatory and/or remedial services because the District did not convene a group of knowledgeable persons previously to consider whether such an exemption from or modification of the District's attendance policy or other related aids and services to address her absences was necessary. If the group of knowledgeable persons determines that the Student requires compensatory and/or remedial services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond December 30, 2016.

#### **Reporting Requirements:**

- a) By September 30, 2016, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 1 above, including an explanation for decisions made regarding an exemption from or modification of the District's attendance policy, or other related aids and services to address the Student's absences due to her disability, and whether compensatory and/or remedial services were deemed necessary. Additionally, the District will provide a description of and schedule for providing compensatory and/or remedial services, if any, 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. §§ 104.33, 104.34 and 104.35, in making these determinations.
- b) By January 15, 2017, the District will provide documentation to OCR demonstrating that it has provided the Student with any compensatory and/or remedial services deemed necessary. The documentation will include the dates, times, and locations of the services provided, a description of the services provided, and the name(s) of the service provider(s).

**Action Item 2:**

By January 30, 2017, the District will provide training to all District administrators, and all staff members at the District’s high school who are responsible for evaluating students to determine their eligibility to receive special education and related aids and services, and making placement decisions and decisions regarding the provision of related aids and services, regarding the District’s obligations under Section 504 to provide a free and appropriate public education to qualified disabled students, including but not limited to the requirement that placement decisions and decisions regarding the provision of related aids and services must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options in accordance with the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.35(c); and, that the District must make reasonable modifications to policies, practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability in accordance with the regulation implementing the ADA, at 28 C.F.R. § 35.130(b)(7).

**Reporting Requirement:** By February 10, 2017, the District will provide to OCR: (a) the name(s) of the individual(s) who conducted the training referenced in Action Item 2 above; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

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. §§ 104.4(b)(4), 104.33(b)(1) and 104.35(c), and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii) and (7), 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. §§ 104.4(b)(4), 104.33(b)(1) and 104.35(c), and the ADA, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii) and (7), 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.

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Date

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Superintendent  
Jefferson Township School District