

RESOLUTION AGREEMENT
Walled Lake Consolidated Schools
OCR Docket #15-14-1154

The Walled Lake Consolidated Schools (the District) agrees to enter into this Resolution Agreement, for the purpose of resolving OCR Docket #15-14-1154 and ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, as amended by the ADA Amendments Act of 2008 (ADAAA). The District agrees to take the actions set forth below:

I. INDIVIDUAL REMEDIES

By no later than October 20, 2014, the District will convene the Student's Section 504 team, a group of persons knowledgeable about the Student, the evaluation data, and the placement options, including the Student's parents, to determine whether the Student requires compensatory education or other remedial services for the time period the Student was not identified as a student with a disability pursuant to Section 504. If the team determines that compensatory education or other remedial services are required, the team will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when, and will become part of the Student's Section 504 plan. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENTS:

1. By November 28, 2014, the District will submit to OCR documentation showing implementation of the above, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with the above. 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 that determination, along with any supporting documentation. 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.
2. By May 25, 2015, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

II. DISTRICT-WIDE REMEDIES

- A.** The District will draft and submit to OCR for review and approval Section 504 policies and procedures that address the identification, evaluation, and placement of students who the District knows or has reason to suspect have a mental or physical impairment that substantially limits a major life activity, as well as required procedural safeguards. The policies and procedures will comply with the regulation implementing Section 504, including at 34 C.F.R. §§ 104.3 (definitions), 104.35 (evaluation), and 104.36 (procedural safeguards), and with Title II, as amended by the ADAAA.
- B.** The District will draft and submit to OCR for review and approval its Section 504 grievance procedure. The grievance procedure will comply with the regulation implementing Section 504, including at 34 C.F.R. § 104.7(b). The grievance procedure will incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504, including:
- (1) notice of the procedures, including where complaints may be filed;
 - (2) application of the procedure to complaints alleging discrimination carried out by employees, other students, or third parties;
 - (3) adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
 - (4) designated and reasonably prompt timeframes for the major stages of the complaint process;
 - (5) notice to the parties of the outcome of the complaint; and
 - (6) an assurance that the school will take steps to prevent recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT:

3. By November 28, 2014, the District will submit its proposed Section 504 policies and procedures and Section 504 grievance procedure in accordance with Items II.A and B above to OCR for review and approval.
- C.** Within 60 calendar days of receiving the OCR-approved Section 504 policies and procedures and Section 504 grievance procedure, the District will adopt the policies and procedures and grievance procedure.

- D. Within 90 calendar days of receipt of the OCR-approved Section 504 policies and procedures and Section 504 grievance procedure, the District will post those policies and procedures and grievance procedure on its website and notify students, parents, guardians, and staff of the procedures and where copies may be obtained.
- E. Within 120 calendar days of receipt of the OCR-approved Section 504 policies and procedures and Section 504 grievance procedure, the District will provide Section 504 training, by a competent authority on Section 504, to all of its administrators and staff members (including its designated Section 504 Coordinator) who are responsible for Section 504 referrals, decision-making, and/or the provision of services under Section 504 to students with disabilities. The training will focus on the District's responsibilities regarding identification, evaluation, reevaluation, and placement procedures required by Section 504, as well as the District's obligation to provide qualified students with disabilities a FAPE. Further, the training will include the District's Section 504 grievance procedure.

REPORTING REQUIREMENTS:

- 4. Within 60 calendar days of receiving the OCR-approved Section 504 policies and procedures and Section 504 grievance procedure, the District will submit documentation to OCR sufficient to demonstrate the adoption of the Section 504 policies and procedures and Section 504 grievance procedure in accordance with Item II.C above.
- 5. Within 120 calendar days of receipt of the OCR-approved Section 504 policies and procedures and Section 504 grievance procedure, the District will submit to OCR information documenting the implementation of Items II.D and II.E above, including copies of the notices issued to staff, administrators, and parents/ guardians and the link to the procedures on the District's website, the description of the training presenter's qualifications, the dates(s) and time(s) of the training, the agenda covered during the training, any materials provided during the training, and the sign-in lists for each session, including the name, title, and school of each attendee.

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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.35, 104.36 and 104.7(b), 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, 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. §§ 104.33, 104.35, 104.36 and 104.7(b).

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 notices of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

/s/

10/31/14

Superintendent or Designee
Walled Lake Consolidated Schools

Date