

Resolution Agreement
Reynoldsburg City School District
OCR Docket No. 15-15-1013

The Reynoldsburg City School District (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring 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 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The District agrees to implement the actions described below.

A. ACTION STEPS - Student Remedies

1. By August 15, 2015, the District will send a letter to the parent(s) of each District student who had a Section 504 Plan or Individualized Education Program (IEP) in place as of October 10, 2014, notifying them that the District intends to determine whether compensatory education or other remedial services are required for the student as a result of the September-October 2014 work stoppage. The letter will state that the District will consider all relevant information from a variety of sources, including the student's parent(s), regarding whether the District met the individual needs of the student during the work stoppage. Such information may include, but shall not be limited to, educational records, input from teachers and parents, records of student attendance during the work stoppage, relevant individual determinations by other state or local entities, and actions taken by the District during and subsequent to the work stoppage.
 - a. For students with IEPs, the letter will state that the District will make such a determination on or before November 23, 2015. The letter will explain that the determination regarding compensatory education may take place at the student's upcoming annual review meeting or other IEP meeting with a group of knowledgeable people including the student's parent (s), or, as appropriate and in conformance with the relevant state operating standards, the District and the student's parent may agree to otherwise amend the IEP regarding compensatory education pursuant to IDEA.
 - b. For students with Section 504 plans, the letter will explain that a meeting will be scheduled on or before November 23, 2015, with a group of knowledgeable people including the student's parent(s). The letter will explain how, in the event that the parent is not able or willing to attend a meeting, the parent(s) may provide meaningful input for the team to consider regarding the impact on the student of any service disruption during the work stoppage.
2. The group of knowledgeable persons convened by the District will develop a written plan for providing each student with the compensatory education or other remedial services

deemed necessary, and each 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 or IEP. The District will provide each student's parents with 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.

3. In implementing Action Steps A.1 and A.2 above, the District will ensure that it communicates with limited English proficient parents and students in a language that they can understand.

REPORTING REQUIREMENTS:

- By **September 8, 2015**, the District will provide OCR with documentation of the notification letters sent to the families of eligible students with Section 504 plans and IEPs.
- By **December 15, 2015**, the District will provide documentation of any compensatory education determinations reached in accordance with Action Step A.2 above, including: documentation of attempts to invite the student's parent(s) to the meeting, 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. 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.
- By **June 30, 2016**, the District will provide OCR with documentation verifying that it provided each student with the compensatory education determined to be necessary, including 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).

B. ACTION STEPS - District-wide Remedies

1. By September 15, 2015, the District will revise and submit to OCR for review and approval its work stoppage procedures to include a specific discussion of how to prevent service disruption for students with Section 504 plans and IEPs in the event of a future teacher strike or other work stoppage. Such revisions should make clear that the District's obligation to provide a free appropriate public education (FAPE) designed to meet the individual needs of students with disabilities as adequately as the needs of non-

disabled students are met remains intact in the event of a work stoppage. The procedures shall also discuss a plan to notify parents of students with disabilities in the event a future work stoppage is confirmed of the measures in place to ensure students are provided a FAPE. The procedures shall also include identification of staff responsible for responding timely to parental requests for consideration of an interim change in placement, such as a request for home instruction, because of the District's inability to meet a student's needs due to a change to staffing or other consequence of a work stoppage.

2. Within 45 calendar days of approval of the procedures by OCR, the District will make publicly available a copy of the revised procedures described above and shall publicize its existence and location(s) to the District community, including staff, students, and parents. This may be done through hard copy distribution, maintenance of hard copy procedures in central locations, electronic distribution, and/or posting to the District's website. Publicizing of the location(s) of the procedures may be done through notation in a District newsletter or other publication widely distributed to District constituents, through direct e-mail notification, through flyers posted at District buildings, or other similar means. The District will ensure that the information is provided to limited English proficient parents in a language they can understand.

REPORTING REQUIREMENTS: By September 15, 2015, the District will submit the revised procedures to be employed in the event of a work stoppage to OCR for review. Within 45 calendar days of approval of the procedures by OCR, the District will provide OCR with a link to or a copy of any revised documents in which the revised procedures have been published. The District will also provide documentation of how the District community was notified of the existence and location of the revised procedures.

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 the regulation implementing Section 504 at 34 C.F.R. § 104.33, which was at issue in this complaint.

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, 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 regulation implementing Section 504 at 34 C.F.R. § 104.33.

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/
Superintendent or Designee

5/8/15
Date