

Voluntary Resolution Agreement
OCR Complaint No. 01-14-1173
Oxford Public Schools

The Oxford Public Schools (District) voluntarily agrees to take the following steps to resolve the above-referenced complaint. This Voluntary Resolution Agreement (Agreement) does not constitute an admission by the District of any violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504) or Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II).

Action Item:

By **February 1, 2015**, the District will submit to OCR for its review and approval, a protocol for ensuring that the District is closely monitoring the provision of a free appropriate public education (FAPE) to any student in the District with a Section 504 Plan or individualized education program (IEP) who has been referred to and/or resides in Department of Mental Health (DMH) inpatient and continuing care, intermediate care and/or residential care programs. This protocol should specify:

- a. The District's obligation to convene a Section 504 or IEP Team Meeting when it refers a student, or has been informed of a student's referral to a DMH program;
- b. The District's responsibility for determining, through the team process, the student's eligibility for special education and/or related services under an Section 504 plan or IEP, whether and what evaluations the student shall be conducted, and the placement/services the student is to receive via the Section 504 plan or IEP;
- c. The District's obligation to ensure that Section 504 Plans and IEPs of students in DMH programs are implemented;
- d. The name, title and contact information of the individual designated in the District to respond to concerns regarding the student's identification, evaluation, or educational placement that may arise regarding students in DMH programs;
- e. An assurance that the District shall afford parents/guardians of Section 504 procedural safeguards in conjunction with any decisions concerning the identification, evaluation, or placement of District students in DMH programs; and
- f. The method of coordination the District will follow to work with DMH and individual facilities in coordinating team meetings, obtaining all necessary evaluative information and other input from facility practitioners (including educational progress reports), in order to fulfill the above-described responsibilities.

Reporting Requirements:

Within **30 days** of OCR's approval of the District's protocol referenced above, the District will implement said protocol and will confirm, via a final report to OCR by **June 15, 2015**, that said protocol has been implemented.

The District understands that by signing this Voluntary Resolution Agreement, it agrees to provide data and other information in a timely manner. 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 Title II and their implementing regulations, which were at issue in this case. 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 Title II, as well as their implementing regulations at 34 C.F.R. Section 104.44 and 28 C.F.R. Sections 35.130 and 35.160.

The District also 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.

Date: 11/17/14

_____/s/_____
Patricia Susen, Director of Student Services