

Resolution Agreement

Puerto Rico Department of Education Case No. 02-14-1062

In order to resolve Case No. 02-14-1062, the PRDOE assures the U.S. Department of Education, New York 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:

By August 31, 2016, for each disabled student who attended the XXXXXXXXXXXXX and XXXXXXXXXXXXX Schools during school year 2013-2014, who required adaptive physical education per his or her IEP, the PRDOE will convene a group of persons knowledgeable about each student, such as the Comité de Planificación y Ubicación (COMPU), to determine: (a) the period(s) of time the student did not receive XXXXXXXXXX services as prescribed by his or her IEP during school year 2013-2014; and (b) whether the student requires any compensatory services as a result. If the group of knowledgeable persons determines that the student requires compensatory services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond December 16, 2016.

Reporting Requirements:

- a) By September 30, 2016, the PRDOE will submit to OCR a list of all disabled students who attended the XXXXXXXXXXXXXXX and XXXXXXXXXXXXXXX Schools during school year 2013-2014, who required adaptive physical education services per his or her IEP.
- b) By September 30, 2016, the PRDOE will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referenced in the Action Item above for each student; including but not limited to an explanation for decisions made regarding compensatory services, and a description of and schedule for providing compensatory services, if any, to each student. OCR will review the documentation submitted to ensure that the PRDOE 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.
- c) By January 13, 2017, the PRDOE will provide documentation to OCR demonstrating that it has provided each student with any compensatory services deemed necessary. The documentation will include the dates, time and locations that the services were provided, a description of the services provided, and the name(s) of the service providers.

The PRDOE understands that OCR will not close the monitoring of this agreement until OCR determines that the PRDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§104.33, 104.34, 104.35, and 104.36, and the ADA, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this case. The PRDOE 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 PRDOE understands that during the monitoring of this agreement, if necessary, OCR may visit the PRDOE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the PRDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33, 104.34, 104.35, and 104.36, and the ADA, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this case. The PRDOE 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 PRDOE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

May 26, 2016

Date

/S/
Authorized Representative
Puerto Rico Department of Education