

RESOLUTION AGREEMENT

Puerto Rico Department of Education

OCR Case Nos. 02-14-1130 and 02-14-1502

In order to resolve Case Nos. 02-14-1130 and 02-14-1502, the Puerto Rico Department of Education (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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By August 31, 2016, the PRDOE will complete XXXXX XXXX evaluations for the Student. By August 31, 2016, the PRDOE will convene a meeting of a group of persons knowledgeable about the Student (such as the Comité de Planificación y Ubicación (COMPU)), to include the Student's parent, to review the results of the Student's XXXX XXXXX evaluations and determine whether the results indicate that the Student requires XXXXXX XXXXXX. If so, the PRDOE will include required assistive technology in the Student's Programa Educativo Individualizado (PEI) for school year 2016-2017. The PRDOE will ensure that the Student receives any required assistive technology during school year 2016-2017. At the same meeting, the group will determine whether the Student requires remedial and/or compensatory services as a result of not receiving auditory therapy services as prescribed by his PEIs for school year 2013-2014 to the present, or as a result of not receiving auditory therapy services during school year 2013-2014 to the present. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the PRDOE will develop a plan for providing the services; with a completion date not to extend beyond December 31, 2016.

Reporting Requirements:

- (a) By September 15, 2016, the PRDOE will submit to OCR a copy of the meeting minutes or similar documentation for Action Item 1 above; including but not limited to documentation demonstrating that the parent was invited to attend the meeting; an explanation for the decisions made regarding the results of the assistive technology evaluations and any need for assistive technology; an explanation for the decisions made regarding remedial and/or compensatory services; a detailed description of the remedial and/or compensatory services to be provided, if any; and the schedule for providing these, if any. 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.
- (b) By December 31, 2016, the PRDOE will provide documentation to OCR demonstrating that it has provided the Student with any remedial and/or

compensatory services deemed necessary. The documentation should include the dates, times, and locations for services provided, and the name(s) of the service provider(s). If locations for remedial and/or compensatory services are at sites other than the Student's School, the PRDOE will provide documentation to OCR demonstrating transportation of the Student to and from service sites, or documentation that it reimbursed the complainant for any transportation costs incurred.

- (c) By June 30, 2017, the PRDOE will provide documentation to OCR demonstrating that any required assistive technology was provided to the Student consistent with his PEI for school year 2016-2017.

Action Item 2:

By August 31, 2016, the PRDOE will send a letter and reimbursement check to the complainant providing the complainant with XXXX to reimburse the complainant for the costs associated with providing the Student's breakfast and lunch from 2014 until and during extended school year services in XXXX 2015.

Reporting Requirement: The PRDOE will copy OCR on the letter sent and reimbursement check pursuant to Action Item 2.

Action Item 3:

By September 30, 2016, PRDOE will provide training to PRDOE staff and administrators, relevant school staff atXXXXXX XXXXX, and/or other relevant personnel responsible for conducting evaluations and ensuring the implementation of PEIs for students with disabilities, regarding the PRDOE's obligations to conduct evaluations in a timely manner and provide such students with the special education and related aids and services, as required by their PEIs and pursuant to Section 504 and the ADA. The training will include, at a minimum, instruction regarding the PRDOE's responsibility to (a) provide a free appropriate public education (FAPE) under the regulation implementing Section 504, at 34 C.F.R. §104.33; (b) complete evaluations in a timely manner and track and monitor evaluation requests to ensure that these are completed in a timely manner; (c) provide students with the special education and other related aids and services, as determined necessary by a group of knowledgeable persons (such as the COMPU or other Section 504 team); (d) maintain timely, detailed, and accurate documentation regarding the provision of services to students; and (e) track and/or monitor the provision of services to students, to ensure that all required services are provided.

Reporting Requirement: By October 12, 2016, the PRDOE will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including: (a) the name(s) of the individual(s) who conducted the training; (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 PRDOE understands that OCR will not close the monitoring of this agreement until OCR determines that 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, and the ADA, at 28 C.F.R. §35.130(a), 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, and the ADA, at 28 C.F.R. § 35.130(a), 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 proceeding 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.

June 21, 2016

/S/

Date

Special Assistant
Special Education Secretariat
Puerto Rico Department