

## **RESOLUTION AGREEMENT**

Puerto Rico Department of Education  
Case No. 02-15-1090

In order to resolve the compliance concerns identified in Case No. 02-15-1090, the Puerto Rico Department of Education (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, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504); 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.

### **Action Item 1:**

By August 15, 2015, the PRDOE will procure XXXXXXXXX for the Student to use at the School.

#### **Reporting Requirement:**

By August 30, 2015, the PRDOE will provide documentation to OCR demonstrating that the XXXXX XX XXXXXXX were purchased and provided to the Student consistent with Action Item 1 above.

### **Action Item 2:**

By June 30, 2015, the PRDOE will convene a meeting of a group of persons knowledgeable about the Student (such as the COMPU) to determine whether the Student requires remedial and/or compensatory services as a result of not receiving occupational therapy services as prescribed by her individualized educational program (IEP) during school year 2014-2015 and not being physically able to attend school because of XXXXXXXXXXXXXXXXXXXX. 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 for providing the services not to extend beyond December 15, 2015.

#### **Reporting Requirements:**

- a) By July 15, 2015, the PRDOE will submit to OCR a copy of the meeting minutes or similar documentation for Action Item 2 above; including but not limited to an explanation for decisions made regarding remedial and/or compensatory services, and a description of and schedule for providing remedial and/or compensatory services, if any, to the 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.
- b) By December 31, 2015, 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 names(s) of the service provider(s).

**Action Item 3:**

By September 15, 2015, the PRDOE will provide training to all relevant school staff at XXX (the School) and administrators regarding the School’s obligations pursuant to Section 504 to ensure the implementation of the Student’s and other students’ IEPs.

**Reporting Requirement:**

By September 30, 2015, the PRDOE will provide documentation to OCR demonstrating that training was provided consistent with the Action Item 3, including (a) the name(s) and credentials 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; (d) a summary of the material covered with school staff; and (e) copies of all training materials disseminated.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), 104.33, 104.34, 104.35, and 104.36, and the ADA, at 28 C.F.R. § 35.130(a), which were at issue in this case. The District 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 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), 104.33, 104.34, 104.35, and 104.36, and the ADA, at 28 C.F.R. § 35.130(a), which were at issue in this case. 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 proceeding to enforce this agreement, OCR shall give the School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

5/21/2015  
Date

/s/  
Special Assistant  
Special Education Secretariat  
Puerto Rico Department of Education