

RESOLUTION AGREEMENT

Puerto Rico Department of Education OCR Case No. 02-15-1429

In order to resolve Case No. 02-15-1429, 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 (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 1:

Within 45 days of execution of this agreement, the PRDOE will ensure that the Student is provided with the following, in accordance with the Student's PEI for school year 2014-2015: (a) a XXXXXXXX evaluation; (b) a XXXXXXXX XXXXXX therapy evaluation; and (c) a XXXXXXXX XXXXXX evaluation.

REPORTING REQUIREMENT: Within 60 days of execution of this agreement, the PRDOE will provide documentation to OCR demonstrating that the PRDOE has provided the Student with the evaluations described in Action Item 1.

ACTION ITEM 2:

Within 45 days of execution of this agreement, the PRDOE will convene a meeting of a group of persons knowledgeable about the Student (such as the Comité de Programación y Ubicación (COMPU)) to determine whether the Student requires remedial and/or compensatory services as a result of not receiving the evaluations outlined above in Action 1, and as required by his Programa Educativo Individualizado (PEI) during school year 2014-2015. 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, 2016.

REPORTING REQUIREMENTS:

- a) By June 30, 2016, 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, 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 names(s) of the service provider(s).

ACTION ITEM 3:

By September 15, 2016, PRDOE will provide training to School staff and administrators and/or other relevant personnel, and PRDOE staff and administrators and/or other relevant personnel, who are responsible for ensuring the implementation of the Student's PEI, regarding the PRDOE's obligations to provide the Student with the special education and related aids and services, as required by the Student's PEI and pursuant to Section 504 and the ADA. The training will include at a minimum instruction regarding: (a) the PRDOE's responsibility to provide a free appropriate public education (FAPE) under the regulation implementing Section 504, at 34 C.F.R. §104.33; (b) the responsibility of PRDOE staff to 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); (c) the PRDOE's obligation to maintain timely, detailed, and accurate documentation regarding the provision of services to the Student; and, (d) the PRDOE's obligation to track and/or monitor the provision of services to the Student, to ensure that all required services are provided.

REPORTING REQUIREMENT: By September 30, 2016, the PRDOE will provide documentation to OCR demonstrating that training was provided consistent with Action Item 3 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.

ACTION ITEM 4:

Within 10 days of execution of this agreement, the PRDOE will send a letter to the complainant offering to provide the complainant with \$XXXX to reimburse the complainant for the costs associated with providing the Student's breakfast and lunch on the days he attended school but was not provided meal service during school year 2014-2015 and the XXXX extended school year program (XXXXXXX).

REPORTING REQUIREMENT:

- a) The PRDOE will copy OCR on the letter sent pursuant to Action Item 4.
- b) The PRDOE will provide documentation to OCR indicating that it reimbursed the complainant for the costs detailed in Action Item 4, if accepted by the complainant.

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(a), 104.33(b)(1)(i) and

104.33(b)(2); 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. Further, the PDROE understands that during the monitoring of this agreement, 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(a), 104.33(b)(1)(i) and 104.33(b)(2); 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 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.

February 16, 2016

Date

_____/s/_____
Authorized Signature
Puerto Rico Department of Education