

## **RESOLUTION AGREEMENT**

### **Puerto Rico Department of Education OCR Case No. 02-16-1190**

In order to resolve Case No. 02-16-1190, the Puerto Rico Department of Education (PRDOE) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions 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:**

By September 1, 2016, the PRDOE will ensure that providers are in place to provide the Student with the special education and related aids and services required by his individualized education program, or Programa Educativo Individualizado (PEI) for school year 2016-2017. Additionally, the PRDOE will ensure that the Student receives all required special education and related aids and services during school year 2016-2017.

#### **Reporting Requirements:**

- a) By September 1, 2016, the PRDOE will provide to OCR the names of the Student's service providers for school year 2016-2017.
- b) By December 30, 2016, and again on June 30, 2017, the PRDOE will provide documentation to OCR demonstrating that the PRDOE provided the Student with the special education and related aids and services required by the Student's PEI during school year 2016-2017. The documentation will include: (a) the date(s) when the PRDOE initiated services for the Student; (b) the name of the Student's service providers; (c) the name(s) and title(s) of any PRDOE staff responsible for ensuring that the Student received the special education and related aids and services; and (d) any additional supporting documentation such as service logs, and/or invoices.

#### **Action Item 2:**

By no later than September 15, 2016, the PRDOE will convene a meeting with the Committee on Special Education, or Comité de Programación y Ubicación (COMPU) to develop a plan for providing compensatory services to the Student (which the COMPU previously determined that the Student requires, at a meeting held on May 9, 2016) for the individual psychological therapy, group psychological therapy, and occupational therapy sessions the Student did not receive in accordance with his PEI, from August 2015 through May 2016. Specifically, the group will determine a schedule and completion date for providing the services during school year 2016-2017. The PRDOE will invite the complainant to attend this meeting and otherwise adhere to the

procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

**Reporting Requirements:**

- (a) By September 30, 2016, the PRDOE will submit to OCR: (a) a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 2, above; including an explanation for decisions made; (b) the plan for providing any remedial and/or compensatory services to the Student; and, (c) documentation demonstrating that the PRDOE provided notice of and invited the complainant to the meeting. 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 July 31, 2017, the PRDOE will provide documentation to OCR of the dates, times, and locations that compensatory services were provided, and the name(s) of the service provider(s).

**Action Item 3:**

By August 31, 2016 the PRDOE will ensure that the complainant receives reimbursement for any outstanding balance she is owed for transportation on the dates that the Student attended school during school year 2015-2016, in accordance with a determination made by the COMPU at a meeting convened on May 9, 2016, that the complainant was owed reimbursement for the costs of transportation incurred when transporting the Student between home and School, as required by the Student's PEI, from August 2015 through May 2016.

**Reporting Requirement:**

By September 12, 2016, the PRDOE will provide documentation to OCR of the student's attendance dates for school year 2015-2016, as well as proof of any reimbursement issued to 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; and the ADA, at 28 C.F.R. §§ 35.130(a) and 35.130(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, and the ADA, at 28 C.F.R. §§ 35.130(a) and 35.130(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 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.

August 2, 2016  
Date

Gladiris Lopez  
Authorized Representative  
Puerto Rico Department of Education