

## **RESOLUTION AGREEMENT**

### **Beacon City School District Case No. 02-16-1364**

In order to resolve Case No. 02-16-1364, the Beacon City School District (the District) 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 January 16, 2017, the District will convene a group of people knowledgeable about the Student, and will invite the Student (who may choose to invite a parent or parents), to determine whether the Student requires any remedial and/or compensatory services as a result of the District's failure to implement provisions in the Student's Section 504 Plan during school year 2015-2016. If the group of knowledgeable persons determines that the Student requires remedial and/or compensatory services, the District will develop a plan for providing the services, with a completion date not to extend beyond March 30, 2017.

#### **Reporting Requirements:**

- (a) By January 30, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1 above, including but not limited to an explanation for decisions made regarding remedial and/or compensatory services; a description of and schedule for providing remedial and/or compensatory services, if any, to the Student; and, documentation demonstrating that the District provided notice of and invited the Student to the meeting. OCR will review the documentation submitted to ensure that the District 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 April 14, 2017, the District will provide documentation to OCR demonstrating that it has provided the Student with any remedial and/or compensatory services deemed necessary pursuant to the plan developed in accordance with Action Item 1 above, if any. The documentation will include the dates, times, and locations of the services provided; a description of the services provided; and the name(s) of the service provider(s).

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

By January 30, 2017, the District will provide training to all principals, assistant principals, general education teachers, special education teachers, guidance counselors, Section 504 and IEP case managers, and all other relevant personnel responsible for ensuring the implementation of

Section 504 Plans and IEP's for students with disabilities at Beacon City High School, regarding the requirements of Section 504 and the ADA. The training will include, at a minimum, instruction regarding: (a) the District'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 District staff to provide students with the special education and related aids and services as required by their Section 504 Plans and individualized education programs (IEPs), which were determined necessary by a group of knowledgeable persons; and, (c) the District's obligation to track and/or monitor the provision of services to students with disabilities, to ensure that all required related aids and services are provided.

**Reporting Requirement:** By February 15, 2017, the District 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 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. §§104.33(a) and (b), 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. Further, the District understands that during the monitoring of this agreement, 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. § 104.33(a) and (b), 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, including 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, including to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_  
Date

/s/  
\_\_\_\_\_  
Authorized Representative  
Beacon City School District