

RESOLUTION AGREEMENT

Puerto Rico Department of Education OCR Case No. 02-17-1019

In order to resolve Case No. 02-17-1019, 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:

- (a) By May 22 2017, the PRDOE will convene a meeting of a group of persons knowledgeable about Student 1 and Student 2 (collectively referred to as “the Students”) (such as the Comité de Planificación y Ubicación (COMPU)), to include the Students’ parent(s), to (i) review the Students’ individual educational needs and determine whether Student 1 and/or Student 2 require remedial and/or compensatory services as a result of not receiving educational services/ instruction during school year 2016-2017.
- (b) If the group of knowledgeable persons determines that Student 1 and/or Student 2 require remedial and/or compensatory services, the PRDOE will develop a plan for providing the services; with a completion date not to extend beyond July 30, 2017.

Reporting Requirements:

- (a) By June 28, 2017, 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(s) was/were invited to attend the meeting; an explanation for the decisions made regarding the need for remedial and/or compensatory services as a result of the PRDOE’s failure to provide the Students with educational services/instruction; 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 August 28, 2017, 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 that such services were provided.

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, 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 PRDOE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

April 10, 2017

/s/

Date

Secretary of Education
Puerto Rico Department of Education