

RESOLUTION AGREEMENT
Puerto Rico Department of Education
OCR Case No. 02-17-1241

In order to resolve Case Number 02-17-1241, 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 August 17, 2017, 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 2017-2018. Additionally, the PRDOE will ensure that the Student receives all required special education and related aids and services during school year 2017-2018.

Reporting Requirements:

- (a) By August 24, 2017, the PRDOE will provide to OCR the names of the Student's service providers for school year 2017-2018.
- (b) By December 30, 2017, and again on June 30, 2018, 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 2017-2018. 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 5, 2017, the PRDOE will convene a meeting of a group of persons knowledgeable about the Student [such as the Committee on Special Education, or Comité de Programación y Ubicación (COMPU)] to determine whether the Student requires any compensatory services due to the fact that the Student did not receive psychological therapy, occupational therapy, and the services of a services assistant in accordance with his PEI, from January 17, 2017 through May 2017, and any lapse in services that may have occurred prior to the initiation of special education and related aids and services for the Student, as described in Action Item 1. Specifically, the group will determine a schedule and completion date for providing the services during school year 2017-2018. 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 20, 2017, 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 December 30, 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).

The PRDOE understands that by signing this Agreement, it agrees to provide the foregoing 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). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the University's representative below.

/s/
Jocelyn N. Carrasquillo Rivera
Authorized Representative
Puerto Rico Department of Education

08/16/2017
Date