

RESOLUTION AGREEMENT

Puerto Rico Department of Education OCR Case No. 02-18-1442

In order to resolve Case Number 02-18-1442, 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: Provision of Services and Remedial and/or Compensatory Services

- 1) By February 28, 2019, the PRDOE will ensure that providers are in place to provide to each student identified in Exhibit A the special education and related aids and services required by the student's individualized education program (IEP), or programa educativo individualizado (PEI), for school year 2018-2019.

- 2) As detailed in the reporting requirements below, by no later than May 31, 2019, the PRDOE will either (i) provide documentation to OCR demonstrating that it provided to each student listed in Exhibit A the special education and related aids and services identified in Exhibit A that were required by the student's PEI between August 13, 2018, and February 28, 2019; or, (ii) for any student listed in Exhibit A for whom the PRDOE cannot provide such documentation, convene a meeting of a group of persons knowledgeable about each student identified in Exhibit A [such as the Committee on Special Education, or Comité de Programación y Ubicación (COMPU)], to determine whether the student requires any remedial and/or compensatory services due to any lapse that may have occurred during school year 2018-2019, in the provision of special education and related aids and services identified in Exhibit A that were required by the student's PEI. For any student for whom the group determines that remedial and/or compensatory services are required, the group will develop a plan for providing such services; with a completion date for providing the services not to extend beyond the end of the extended school year period for 2018-2019. The PRDOE will invite each student's parent/legal guardian 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, in making these determinations.

Reporting Requirements:

- (a) By April 30, 2019, for those students listed in Exhibit A for whom the PRDOE provided the special education and related aids and services identified in Exhibit A that were required by the student's PEI between August 13, 2018 and February 28, 2019, the PRDOE will provide documentation demonstrating that it provided such services. Such documentation will include: a copy of each student's PEI; the name(s) and title(s) of the individual(s) responsible for providing the special

education and/or related aids services to each student; and, service logs, invoices, and/or service provider timesheets.

- (b) For any student listed in Exhibit A for whom the PRDOE is able to provide documentation demonstrating that it provided the special education and related aids and services identified in Exhibit A that were required by the student’s PEI between August 13, 2018 and February 28, 2019, the PRDOE will not be obligated to provide additional documentation regarding the provision of the specific special education and/or related aids and/or services for which such documentation was submitted for the remainder of school year 2018-2019.
- (c) By June 14, 2019, for those students listed in Exhibit A for whom the PRDOE is unable to provide documentation demonstrating that it provided all of the special education and related aids and services identified in Exhibit A that were required by the student’s PEI between August 13, 2018 and February 28, 2019, the PRDOE will submit to OCR: (a) a copy of the meeting minutes or similar documentation from each meeting conducted consistent with Action Item 2(ii) above, including (a) a discussion regarding any lapses in special education and related aids and services identified in Exhibit A that were required by the student’s PEI for which documentation was not submitted pursuant to Reporting Requirement (b) that occurred between August 13, 2018 and the date of the COMPU meeting; (b) an explanation for decisions made; (c) the plan for providing any remedial and/or compensatory services to each student, if determined necessary; and, (d) documentation demonstrating that the PRDOE provided notice of and invited each student’s parent/legal guardian 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.
- (d) By July 31, 2019, for any student listed in Exhibit A for whom the PRDOE convenes a COMPU meeting pursuant to Action Item 2(ii), the PRDOE will provide documentation to OCR demonstrating that the student received, between the date of the COMPU meeting and the end of school year 2018-2019, the special education and related aids and services identified in Exhibit A that were required by the student’s PEI but for which documentation was not submitted pursuant to Reporting Requirement (b) . Such documentation will include: the name(s) and title(s) of the individual(s) responsible for providing the special education and/or related services to each student; and, service logs, invoices, and/or, service provider timesheets.
- (e) By September 13, 2019, for any student identified in Exhibit A determined to require remedial and/or compensatory services, the PRDOE will provide documentation to OCR of the dates, times, and locations that any compensatory services were provided to each student, and the name(s) of the service provider(s).

The PRDOE understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the PRDOE understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the PRDOE’s satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The PRDOE understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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 PRDOE’s representative below.

_____/s/_____
Daiber Carrion
Authorized Representative
Puerto Rico Department of Education

_____2/15/19_____
Date