

VOLUNTARY RESOLUTION AGREEMENT

Puerto Rico Department of Education Case No. 02-20-1193

In order to resolve Case No. 02-20-1193, 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: Individualized Determination for the Student

By August 30, 2020, the PRDOE will convene a meeting of a group of persons knowledgeable about the student on whose behalf the complaint was filed (the Student), such as the Comité de Programación y Ubicación de Educación Especial (COMPU), to determine whether the Student requires any remedial and/or compensatory services because of the alleged failure to provide the Student with Educational Therapy services from March XX, 2019, through October 2019, as required by the Student's Programa Educativo Individualizado (PEI). If the group of knowledgeable persons determines that the Student is entitled to remedial and/or compensatory services, the group will develop a plan for providing such services, with a completion date for providing the services not to extend beyond December 31, 2020. The PRDOE will ensure that the determination is made in accordance with the requirements set forth in the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, and 104.35.

Reporting Requirements:

- a) By October 15, 2020, the PRDOE will submit to OCR a copy of the meeting minutes or similar documentation from the meeting(s) referenced in Action Item 1 above. The documentation shall include, but is not limited to, the names and titles of the meeting participants; the information considered; an explanation for the decision made regarding whether the Student requires remedial and/or compensatory Educational Therapy services; and a description of, and schedule for, providing remedial and/or compensatory services, if any, to the Student. 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. §§ 104.33, 104.34, and 104.35, in making the determination.
- b) By January 31, 2021, 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 will include the dates and times that the services were provided, a description of the services provided, and the name(s) of the service provider(s).

Action Item 2: Training

By December 31, 2020, the PRDOE will provide training to staff members and administrators responsible for implementing and monitoring the Student’s PEI, regarding the PRDOE’s obligation to ensure that PEIs are timely and fully implemented.

Reporting Requirement: By January 31, 2021, the PRDOE will submit documentation to OCR demonstrating that the PRDOE provided training in accordance with Action Item 2 above, including the name and credentials of the trainer(s); the date(s) of the training; the agenda and/or a summary of the material covered; copies of any training materials distributed; and a list of attendees, by name and title.

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 provide 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.

June 29, 2020
Date

/s/

Dr. Eligio Hernández Pérez
Secretary of Education
[or designee]
Puerto Rico Department of Education