

RESOLUTION AGREEMENT

Puerto Rico Department of Education Case No. 02-22-1062

To resolve OCR's concerns set forth in the accompanying letter in Case No. 02-22-1062, the Puerto Rico Department of Education (PRDOE) assures the U.S. Department of Education, 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 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Notice to PRDOE School Directors and School Councils/Boards

- (a) By June 30, 2022, the PRDOE will notify all PRDOE school directors and school Councils/Boards, that they must not discriminate on the basis of disability in the administration of any uniform policy, including that schools must not assign school uniforms based on a student's disability status and/or assignment to any special education program/classroom, or otherwise require students with disabilities to wear school uniforms that are different from the uniforms worn by students without disabilities.
- (b) By August 20, 2022, the PRDOE will notify all staff, parents/guardians, and students at PRDOE schools about PRDOE school uniform policies, including to clarify that the schools will not assign students' school uniforms based on disability and/or assignment to any special education program/classroom.
- (c) By August 20, 2022, the PRDOE will notify all staff, parents/guardians, and students at PRDOE schools that they may contact their school's Section 504/Americans with Disabilities Act of 1990 Coordinator (ADA Coordinator) to file a complaint of discrimination pertaining to the school's uniform policies.

Reporting Requirements:

- (a) By July 15, 2022, the PRDOE will provide documentation to OCR demonstrating that it has disseminated the notice to PRDOE school directors and school Councils/Boards, as required by Action Item 1(a).
- (b) By September 9, 2022, the PRDOE will provide documentation to OCR demonstrating that it has disseminated the notices to PRDOE staff, and parents/guardians, and students, as required by Action Items 1(b) and (c).

Action Item 2: Training

By September 15, 2022, the PRDOE will provide training to all PRDOE school directors for all PRDOE schools, including the School, that will cover, at a minimum, the PRDOE's obligations under Section 504 and Title II, including the prohibition against discrimination on the basis of disability, and the prohibition against providing separate aids, benefits, or services to individuals with disabilities.

Reporting Requirements:

- (a) By August 15, 2022, the PRDOE will provide for OCR’s review and approval the name(s) and credentials of the trainer(s), as well as copies of any training materials that will be distributed.
- (b) By September 30, 2022, the PRDOE will provide documentation to OCR demonstrating that it provided training in accordance with Action Item 2, above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); the agenda and/or a summary of the material covered; copies of any training materials distributed; the names and positions/titles of attendees; confirmation of whether all relevant employees have been trained (and if not, how many remain); and confirmation of the training materials that were distributed.

OCR Monitoring

The PRDOE understands 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 of the resolution agreement.

The PRDOE understands that OCR will not close the monitoring of this resolution agreement until OCR determines that the PRDOE has demonstrated compliance with all the terms of this resolution agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35, which were at issue in 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 resolution agreement will become effective immediately upon the signature of the PRDOE’s representative below.

5/16/2022
Date

/s/
Eliezer Ramos Parés
Secretary of Education (or designee)
Puerto Rico Department of Education