

Resolution Agreement
Delaware Academy of Public Safety & Security
OCR Case No. 03161030

In order to resolve XXXXXX in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 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, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination based on disability, the Delaware Academy of Public Safety & Security (the Academy) voluntarily enters into this Resolution Agreement and makes the following commitments to OCR.

This Agreement does not constitute an admission of liability by the Academy, nor does it constitute a determination by OCR that the Academy violated any of the regulations enforced by OCR.

Action Step 1

The Academy acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction, regardless of the nature or severity of the individual's disability in accordance with Section 504 at 34 C.F.R. § 104.33, and Title II at 28 C.F.R. § 35.130. In addition, the Academy recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement education programs (including Individualized Education Programs and Section 504 Plans) for students with disabilities.

By June 30, 2016, the Academy shall distribute a memorandum to all staff reminding them of their obligation to provide a FAPE to each qualified student with a disability, which includes implementing each student's Section 504 Plan or IEP, as applicable.

Reporting Requirement

By June 30, 2016, the Academy shall submit to OCR a copy of the memorandum distributed to all staff above, a list of the names and titles of the persons who received the memorandum, and an explanation of the manner in which it was distributed, including the date.

Action Step 2

XXX- paragraph redacted –XXX

XXX- paragraph redacted –XXX

Reporting Requirements

XXX- paragraph redacted –XXX

XXX- paragraph redacted –XXX

The Academy understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Academy understands that during the monitoring of this agreement, if necessary, OCR may visit the Academy, interview employees and students, and request such additional reports or data as are necessary for OCR to determine whether the Academy has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.33, 104.35, 104.36, and Title II, at 28 C.F.R. § 35.130, which were at issue in this complaint.

The Academy understands that OCR will not close the monitoring of this agreement until OCR determines that the Academy has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4, 104.33, 104.35, 104.36, and Title II, at 28 C.F.R. § 35.130, which were at issue in this complaint.

The Academy 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 proceedings to enforce this Agreement, OCR shall give the Academy written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/ _____
Commissioner or Designee

_____ 4/13/16 _____
Date