

Resolution Agreement
Appoquinimink School District
OCR Case No. 03161117

In order to resolve the allegations raised 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 Appoquinimink School District (the District) voluntarily enters into this Resolution Agreement and makes the following commitments to OCR.

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

Memorandum to Employees

The District 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 District 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.

1. By August 31, 2016, the District 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. The memorandum will also remind staff that students with disabilities should not be required to request accommodations, unless a multidisciplinary team has made an appropriate individualized determination that making such requests is appropriate for that student.

Reporting Requirement

By September 7, 2016, the District 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.

XXXXXX

xx – paragraphs redacted – xx

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

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

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

8/2/16

Superintendent or Designee

Date