

**RESOLUTION AGREEMENT**  
**Riverview School District**  
**Case Number 03-21-1256**

Riverview School District (the District) agrees to resolve the above-referenced complaint by voluntarily entering into this Resolution Agreement (Agreement) with the U.S. Department of Education's Office for Civil Rights (OCR). This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35 which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

OCR has made no final determinations of noncompliance by the District. However, to ensure compliance with Section 504 and Title II and resolve this complaint, the District agrees to take the following actions:

**ACTION STEPS AND REPORTING REQUIREMENTS**

1. 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.
2. The District also acknowledges its obligation to ensure that individuals with disabilities have an opportunity equal to that of their nondisabled peers to participate in the District's programs, benefits, and services.
3. Within 45 calendar days of signing this agreement, the District will convene a meeting with a group of persons knowledgeable about the Student (the Section 504 Team), including, but not limited to, District administrators/staff and the Complainant. The team will determine:
  - a. if the Student was treated differently than non-disabled peers when he was not allowed to return to in-person instruction;
  - b. if the delay in allowing the Student to return to in-person instruction denied the Student a free appropriate public education (FAPE);
  - c. if the District determines that the Student was treated differently than non-disabled peers and/or was denied a FAPE due to the delay in returning to school, the District will assess whether the Student requires any compensatory or remedial services as a result of the discriminatory treatment, and develop a schedule for implementing the services, as appropriate. The District will conduct the meeting in accordance with the Section 504 procedural requirements of 34

C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). The District will invite the Complainant, in writing via certified mail, to attend the Section 504 meeting, at least fifteen (15) days in advance of the meeting, unless the Complainant agrees to waive this requirement. The District will ensure that accurate meeting minutes are kept to document this meeting, including documenting information considered from all sources and all decisions made by the team.

4. Within fifteen (15) calendar days after the meeting, the District will provide the Complainant with written notice, by certified mail, of the outcome of the meeting, and will inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If it is determined that the Student was treated differently based on his disability and an educational loss occurred, such that compensatory education or other remedial educational services will be provided to the Student, the written notice will provide:

- a description of the compensatory and/or remedial educational services to be provided;
- the subject areas covered;
- the amount of services;
- where and when the services will be provided, including the appropriate beginning and ending dates for the services;
- and any transportation that will be provided to the Student in conjunction with these services.

The compensatory education or other remedial services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program. If the Section 504 team determines that no different treatment or educational loss occurred, the District will provide an explanation of its decision to the Complainant, including the basis for its decision, along with a notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirement:**

Within 21 days of the Section 504 team meeting required by Action Step #2 and the decision as to whether the Student requires compensatory and/or remedial services, the District shall certify to OCR that it held the required Section 504 meeting and will submit to OCR the minutes from the meeting and any other documents concerning the team's decision regarding whether the Student was treated differently based on disability when he was denied access to in-person instruction and whether, as a result, he suffered an educational loss and requires compensatory educational services. OCR will review the documentation submitted to ensure that the District has met the procedural and other

requirements of the Section 504 implementing regulation, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations. The documentation submitted shall include:

- a. the written invitation sent to the Complainant for the placement team meeting;
- b. a list of meeting participants;
- c. the information considered by the placement team;
- d. an explanation for all decisions made, including the team's decision as to whether the Student suffered an educational loss;
- e. a description of the types of compensatory education or other remedial service options discussed;
- f. a description of and schedule for providing compensatory and/or remedial services the Student for educational loss (if any);
- g. the notice of procedural safeguards provided to the Complainant; and
- h. a copy of the meeting minutes.

If the District determines that the Student is eligible to receive compensatory and/or remedial services, the District will provide documentation to OCR of the dates, times, and locations that the services were provided, a description of what was provided, and the name(s) of the service provider(s) within 15 days of the conclusion of services.

The recipient understands that by signing the 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 recipient understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms and obligations of the resolution agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, that were at issue in this case. Upon the recipient's satisfaction of the terms and obligations of the resolution agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104, and Title II and its implementing regulation, 28 C.F.R. Part 35 that were at issue in this case, OCR will close the case.

The recipient understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

