

**Resolution Agreement
Lower Merion School District
Docket # 03221300**

The U.S. Department of Education, Office for Civil Rights (OCR), and Lower Merion School District (the District) enter into this Agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. Prior to the completion of OCR's investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. The District assures OCR that it will take the following actions to comply with the requirements of 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 (Title II), 42 U.S.C. §12132, and its implementing regulation, at 28 C.F.R. Part 35.

Action Item 1

The District recognizes its obligation under the regulation implementing Section 504, at 34 C.F.R. § 104.33, to provide a free appropriate public education to each qualified student with a disability in its jurisdiction and to fully implement Section 504 Plans for students with disabilities.

By November 30, 2022, the District will provide OCR with its policies and administrative regulations regarding Section 504, nonacademic activities, extracurricular activities, and field trips for OCR's review and approval.

Reporting Requirements:

- A. If the policies and administrative regulations are deemed compliant, the District shall provide a copy to all administrators, teachers, and other staff responsible for the implementation of the policies and administrative regulations within ten (10) calendar days of OCR's notice of compliance. The District shall then provide documentation to OCR to demonstrate compliance within ten (10) calendar days of distribution of the policies and administrative regulations.
- B. If the District's policies and administrative regulations are deemed non-compliant, the District shall submit proposed revisions to OCR within thirty (30) calendar days from OCR's notice of non-compliance. Upon OCR's approval of the proposed revisions, the District shall have ninety (90) calendar days to finalize the revised policies and administrative regulations and provide a copy to all administrators, teachers, and other staff responsible for the implementation of the policy and administrative regulations. The District shall provide documentation to OCR to demonstrate compliance within ten (10) calendar days of distribution of the revised policies and administrative regulations.

Action Item 2

By November 30, 2022, the District will contact the Complainant to offer reimbursement for the mileage incurred driving to and from XXXXXXXXXXXXXXXXXXXX. Within 45 calendar days of receiving the Complainant's response, the District will reimburse the Complainant at the District's mileage rate in effect at that time (*i.e.*, XXXXXXXXXXXXX).

Reporting Requirement:

- A. By February 23, 2023 the District will provide documentation sufficient to demonstrate its compliance with Action Item 2.

Action Item 3

At the next scheduled IEP Team Meeting and no later than January 15, 2023, the IEP team, including Complainant, shall discuss the Student's needs and accommodations required for the Student to participate in extracurricular activities, field trips, and school events, and revise, to the extent necessary, the specifically designed instruction in the Student's IEP.

Reporting Requirement:

- A. Within twenty (20) calendar days of the IEP meeting, the District shall provide OCR with documentation sufficient to demonstrate its compliance with Action Item 3, including a copy of the email giving advanced written notice to the Complainant that the accommodations required for the Student to participate in extracurricular activities, field trips, and school events will be discussed at the IEP meeting and minutes of the meeting or other documentation showing that the discussion was held.

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of this Agreement, if necessary, 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.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of this Agreement and with Section 504, Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

The District understands that OCR may initiate administrative enforcement or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent and/or designee
Lower Merion School District

____11/17/2022_____
Date