

**Resolution Agreement
Monroe County School District
OCR Docket Number 04-13-1987**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Monroe County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the District voluntarily agreed to resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the District is not in compliance with Section 504 and Title II and their implementing regulations. Accordingly, to ensure compliance with Section 504 and Title II, and to resolve the complaint, the District voluntarily agrees to take the following actions:

INDIVIDUAL REMEDY

1. By May 9, 2014, the District will convene the Student's Section 504 team, including the Student's parents, to determine the compensatory education or other remedial services the Student requires for the time period in fall 2013 that the Student did not receive (notifying the XXXXXX XX XXX XXXXXXXX XXXXXX XXXXXXXX XXXXXX XXXXXX XX; notifying the XXXXXX XX XXXXXX X XXXX XXXXXX XXXXXX XXXXXX; and XXXXXXXXXX XXX XXXXXXX XXXXXX XXXXXXX XX XXXXXX XXX XXXXXXXX XXXX XXXXXXXXXX XXX XXXXXX/XXXXXX).

The group will revise the Student's plan to provide for the compensatory education or other remedial services deemed necessary, which will identify the nature and the amount of the services to be provided at no cost to the Student's parents (Complainant), by whom, and when, and will become part of the Student's Section 504 plan. The District will provide the Student's parents with a meaningful opportunity to provide input in these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENT:

- a) By May 30, 2014, the District will submit to OCR documentation showing implementation of Action Item 1 above, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with action Item 1 above. Should

the District determine that no compensatory education or other remedial services are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

- b) By June 16, 2014, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

TRAINING

2. By May 30, 2014, the District will initiate annual in-service training to all administrators (including Section 504/Title II Coordinator[s], special education staff, and teachers) at Monroe County High School involved in the identification, evaluation and placement of students with disabilities pursuant to Section 504 and Title II.

The training shall, at a minimum, include the following topics:

- a. a review of the District's Section 504 procedures for the provision of a free appropriate public education to students with disabilities;
- b. in-depth instruction on the implementation of students' Section 504 Plans or Individual Education Plans to ensure the provision of a free appropriate public education; and
- c. instructions for staff to contact the designated Section 504 and/or Title II Coordinator(s) should they have concerns about the provision of a related aid or service to a student with a disability.

REPORTING REQUIREMENT:

By June 16, 2014, the District will provide OCR with a report confirming the completion of training required under Item 3, above. The Documentation shall include: (1) the date of the training session; (2) a list of attendees, (3) a copy of the agenda and training materials disseminated, and (4) the identity and qualifications of the trainer.

The District understands that by signing this 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 this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b), and the Title II implementing regulation at 28 C.F.R. § 35.130(a) and (b), and the Title II implementing regulation at 28 C.F.R. § 35.130, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b), and the Title II implementing regulation at 28 C.F.R. § 35.130(a) and (b), and the Title II implementing regulation at 28 C.F.R. § 35.130, which were at issue in this case.

The District 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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or Designee

Date

Printed Name and Title