

Highland Community Unit School District #5
Resolution Agreement
Case No. 05-15-1236

Highland Community Unit School District #5 (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve case number 05-15-1236. The District submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), 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 (Title II), and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability in educational programs or activities that receive Federal financial assistance and by public entities, respectively.

- 1) On or before November 30, 2015, the District will review and revise as necessary, procedures for allowing Student A to participate in School activities and for informing Student A and her parent of these activities to ensure Student A and her parent are fully informed of each School activity pertaining to her grade level, including field trips and concerts prior to the events. The District will provide training to Student A's teacher and all other staff who are responsible for determining Student A's participation in activities and for providing information to Student A and her parent about the activities.

REPORTING REQUIREMENT: By December 15, 2015, the District will provide documentation that relevant staff have been trained in procedures for allowing Student A to participate in activities and in the procedures for providing information to Student A and her parent notice of the activities.

- 2) On or before February 15, 2015, for each student at the Highland Middle School with a disability who was dismissed early from class in order to ride a school bus during the 2014-15 school year, including Student A, the District will convene individual meetings with a group of persons knowledgeable about each disabled student to determine whether the student was denied services as required by either an individual educational program or a Section 504 plan due to the early dismissal. The team will then determine whether the student requires compensatory and/or remedial services because of the denied services. If the group determines that any compensatory and/or remedial services are required it will develop plans for providing such services to the students, with a completion date that does not extend beyond May 31, 2016.

REPORTING REQUIREMENT: On or before March 1, 2016, the District will submit to OCR for each student affected by the early dismissal, a copy of the meeting minutes or similar documentation from the meeting referenced in item #2, including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the students. OCR will review the documentation to ensure that the District met procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§104.34 and 104.35.

In addition, on or before June 30, 2016, the District will submit to OCR a report detailing any compensatory and/or remedial services provided to students, when they were provided and who provided them.

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 regulations implementing Section 504 and Title II, at 34 C.F.R. §§ Part 104 and 28 C.F.R. Part 35, respectively, which were at issue in this complaint.

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 regulations implementing Section 504 and Title II, at 34 C.F.R. §§ Part 104 and 28 C.F.R. Part §§ 101.

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. § § 104.61), 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.

Approved and agreed to on behalf of Highland Community Unit School District #5.

For Highland Community Unit School District #5

Date