

Madison Metropolitan School District  
Resolution Agreement  
Case No. 05-16-1333

Madison Metropolitan School District (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve allegation #3 of case number 05-16-1333. 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) By February 28, 2017, the District will convene a group of persons knowledgeable about Student A, including the Complainant, to determine whether the Student requires compensatory and/or remedial services for the time period during the 2015-16 academic year he did not receive the specially designed instruction as stated in Student A's IEP in effect for the 2015-16 school year. The group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond September 1, 2017.
- 2) **REPORTING REQUIREMENT:** By March 6, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in item #1, including efforts to obtain Complainant's participation, an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the Student. 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, 104.35 and 104.35.
- 3) **REPORTING REQUIREMENT:** By September 15, 2017, the District will submit to OCR an explanation, along with supporting documentation, of when and how any compensatory and/or remedial services were provided, 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 35.

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 Madison Metropolitan School District.

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For MMSD

\_\_\_\_\_  
Date