

RESOLUTION AGREEMENT
Pleasant Valley Community School District
Docket No. 05-23-1142

Pleasant Valley Community School District (District) enters into this voluntary Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-23-1142. The District agrees to take the following actions to ensure compliance with 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, 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 (Title II), 42 U.S.C. §§ 12131 -12134, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities, with respect to the issues raised in the complaint.

SECTION 504 DUE PROCESS PROCEDURES

1. By **July 10, 2023**, in accordance with 34 C.F.R. § 104.36, the District will develop a system of procedural safeguards that applies to District actions regarding the identification, evaluation, and educational placement of students who, because of a disability, need, or whom the District and/or a parent or legal guardian believes to need, special instruction or related services. In accordance with 34 C.F.R. § 104.36, this system of procedural safeguards (also referred to as Section 504 due process procedures) must include notice, an opportunity for the parents or legal guardians of a student to examine relevant records, an impartial hearing with the opportunity for participation by a student's parents or legal guardians and representation by counsel, and a review procedure.

REPORTING REQUIREMENT: By **July 14, 2023**, the District will submit a copy of the Section 504 due process procedures it developed to OCR for its review and approval.

2. Within 21 calendar days of receiving OCR's written approval of the Section 504 due process procedures it developed pursuant to item 1 of this Agreement, the District will adopt and disseminate the due process procedures to all District employees, post the due process procedures on the District's website and in each District school in an area accessible to students and parents, and make copies available of the Section 504 due process procedures in each District school to disseminate to parents or legal guardians at Section 504 meetings.

REPORTING REQUIREMENT: Within 30 calendar days of receiving written approval from OCR of its Section 504 due process procedures, the District will provide OCR documentation showing it has complied with item 2 of this Agreement.

DISTRICT TRAINING ON SECTION 504 DUE PROCESS PROCEDURES

3. Within 45 calendar days of receiving OCR's written approval of the Section 504 due process procedures it developed pursuant to item 1 of this Agreement, the District will provide specialized training regarding the due process procedures to its designated Section 504 coordinator and all other District administrators and staff responsible for drafting,

implementing, and making decisions regarding the Section 504 due process procedures and eligibility.

REPORTING REQUIREMENT: Within 30 calendar days of providing the training required by item 3 of this Agreement, the District will provide OCR documentation showing it has completed the training. The documentation must identify and include: the name and title of the individual(s) who conducted the training; the date, time, and location of the training; the topics addressed at the training; a copy of any materials distributed at the training; and a sign-in sheet or other documentation with the name and title of each individual who participated in the training. If any District personnel responsible for implementing the Section 504 due process procedures is not able to attend one of the trainings required by item 4, please provide documentation explaining how the District provided the information in the training to each employee.

4. Within 45 calendar days of receiving OCR's written approval of the Section 504 due process procedures it developed pursuant to item 1 of this Agreement, the District will provide training to all District administrators and staff responsible for the identification, evaluation, and educational placement of students who, because of a disability, need, or whom the District believes to need, special instruction or related services. This training will inform personnel of the Section 504 due process procedures and the importance of providing parents and legal guardians notice of these procedures after every District decision regarding the identification, evaluation, and educational placement of students, including but not limited to, the District's decision not to evaluate a student in response to a parent or legal guardian's request.

REPORTING REQUIREMENT: Within 30 calendar days of providing the training required by item 4 of this Agreement, the District will provide OCR documentation showing it has completed the training. The documentation must identify and include: the name and title of the individual(s) who conducted the training(s); the date, time, and location of the training(s); the topics addressed at the training(s); a copy of any materials distributed at the training(s); and a sign-in sheet or other documentation reflecting the name and title of each individual who participated in the training(s). If any District personnel responsible for the identification, evaluation, and educational placement of students with disabilities is not able to attend one of the trainings required by item 4, please provide documentation explaining how the District provided the information in the training to each employee.

INDIVIDUAL REMEDIES

5. By **July 6, 2023**, the District will make an offer in writing to the parent(s) of the student who was the subject of this complaint (Student A) that, should Student A re-enroll in the District, it will convene a group of persons knowledgeable about Student A to consider whether Student A is a student with a disability in need of regular or special education and related aids and services, and to determine whether Student A is in need of compensatory services because the District did not convene the team to consider Student A's needs for the 2022-2023 school year. The District's correspondence to Student A's parent(s) will explain that:

- a. The team will consider any medical information provided by Student A's physician(s) regarding his needs as it relates to his medical condition(s);
- b. The team will consider Student A's parent(s)' concerns about Student A attending school in-person in light of his medical condition and will answer any questions the parent may have regarding any other alternatives to in-person learning;
- c. Any decision regarding Student A's placement, services, or academic adjustments or modifications will be made by Student A's Section 504 team, including his parent(s), and will be based upon Student A's individual needs;
- d. The Section 504 team will determine whether Student A is in need of compensatory services for any educational deficits that resulted from the District's failure to convene a Section 504 team meeting in the 2022-2023 school year; and
- e. The District is developing a system of procedural safeguards, including an impartial hearing process, through which Student A's parent(s) will have the right to challenge any decision made by the Section 504 team with which they do not agree.

The District's correspondence will ask Student A's parent(s) to respond to the District's offer within 7 calendar days of its correspondence as to whether the parent accepts or rejects the District's offer to re-enroll Student A and convene a Section 504 meeting. If the parent(s) re-enrolls Student A after the requested deadline, however, the District will still offer to convene the Section 504 meeting as described in item 6 this Agreement.

REPORTING REQUIREMENT: By **July 14, 2023**, the District will provide to OCR a copy of its written communication to Student A's parent and Student A's parent(s)' response, if any.

6. If Student A's parent(s) accept the District's offer to re-enroll Student A and convene a Section 504 team meeting for him, the District will hold the meeting by August 14, 2023, or a later date in August 2023 if agreed to by the parent(s), at which time it will evaluate Student A's needs in light of any medical information provided by Student A's physician and determine Student A's appropriate placement and educational services if he were to reenroll in the District, including any academic adjustments and modifications. The Section 504 team will also determine whether Student A is entitled to compensatory services upon reenrollment because the District did not convene the team to consider Student A's needs for the 2022-2023 school year. The District will provide Student A's parent with a contact person knowledgeable about Section 504 and the placement options for Student A should the parent choose to reenroll Student A in the District.

REPORTING REQUIREMENT: By **August 31, 2023**, the District will provide OCR documentation demonstrating its implementation of Item 6 of the Agreement. Specifically, the District will provide OCR a copy of the meeting notes and an explanation regarding how the Section 504 team reached its decision as to (a) Student A's placement and educational services if he were to reenroll in the District, including modifications to policies, to address his medical condition; and (b) whether, upon reenrollment in the District, he is entitled to compensatory services. In the event the District determines that Student A is not a student

with a disability in need of regular or special education and related aids and services and/or is not eligible for compensatory services, it will provide Student A's parent(s) and OCR with documentation of the basis for the team's decision(s). If the District determines that Student A is eligible for compensatory services, it will provide Student A's parent(s) and OCR a written determination of the compensatory services offered and the basis for the team's determination that these services address any educational deficit that the team determined exists. By December 1, 2023, if Student A is reenrolled in the District, the District will document to OCR that it has provided all compensatory services the team determined are necessary, or explain why it was unable to provide the compensatory services if the parent(s) did not provide consent for such services.

REPORTING REQUIREMENT: By **December 15, 2023**, the District will provide OCR documentation demonstrating its implementation of Item 6 of the Agreement.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. 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 and obligations of this Agreement. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this 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 at 34 C.F.R. Part 104, which were at issue in this complaint.

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 sixty (60) calendar days to cure the alleged breach.

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

For Pleasant Valley Community Schools
Brian Strusz, Superintendent

Date