

# RESOLUTION AGREEMENT

Marion School District  
OCR Case Number: 06131511

The Marion School District (MSD or the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the District commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II, 42 U.S.C. § 12132, and their respective implementing regulations. 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. § 104.33 and 28 C.F.R. § 35.130, respectively, which were at issue in this case. 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, 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 this Agreement and is in compliance with the regulations implementing Section 504 and Title II. 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. The District hereby voluntarily commits to the following:

## ACTION ITEM 1

### District-wide Remedy

By the following dates, MSD will complete the following actions:

By August 20, 2014, the District will provide training regarding its obligation under Section 504 and Title II to provide a free appropriate public education (FAPE) to all qualified students with disabilities residing within its jurisdiction. The training should be provided to all relevant personnel, including, but not limited to, District administrators, school administrators, faculty, therapy providers, and counselors. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training shall address, at a minimum:

- The District's policies and procedures for carrying out its responsibilities under Section 504 and Title II to provide a FAPE to each qualified disabled person who is within the District's jurisdiction, regardless of the nature or severity of the person's disability; and
- District staff members' obligation to ensure that students with disabilities receive the special education and related services identified by a group of knowledgeable people and deemed necessary to provide the students with a FAPE.

## REPORTING REQUIREMENTS

1. By June 30, 2014, the District will provide OCR with documentation demonstrating that it has contracted for this training and by Sept. 20, 2014 will provide documentation that the training has occurred. The documentation will include sign-in sheets for all training sessions evidencing all staff who attended the training, a copy of the training materials used, and the name, title, credentials and contact information for the person or persons providing the training.

## ACTION ITEM 2

### Individual Remedy for the Student

- (a) By April 30, 2014, the District will convene a meeting of a group of persons knowledgeable about the complainant's daughter (hereinafter the Student), including the complainant, that will be conducted in accordance with the requirements of 34 C.P.R. § 104.35(c), to assess whether the Student must be provided the option of receiving more than six speech-therapy sessions beyond those that are already contemplated in her current individualized education program (IEP), and any additional compensatory education services, in order to receive a FAPE, as a result of having failed to receive six speech-therapy sessions that were scheduled for the 2012-2013 school year.
- (b) By May 12, 2014, the District will reschedule and provide the student with the minimum six speech-therapy sessions beyond those that are already contemplated in her current IEP, along with any additional speech-therapy sessions or other compensatory education services deemed necessary during the meeting conducted pursuant to Action Item 2(a), above.

## REPORTING REQUIREMENTS

1. By May 12, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 2 above; including 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 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.
2. By June 15, 2014, the District will provide OCR with documentation demonstrating that it has timely completed Action Item 2, above, including the dates the Student received the rescheduled speech-therapy sessions, along with any other compensatory education services deemed necessary during the meeting conducted pursuant to Action Item 2(a), above, and the name(s) of the speech therapist(s) and other staff member(s) providing the services.

Mr.   
Superintendent  
Marion School District

4-22-14  
Date