

**Elida Local School District
Resolution Agreement
OCR Docket # 15-13-1259**

The Elida Local School District (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the District's 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; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. This Agreement is being voluntarily submitted by the District before the completion of OCR's investigation and any issuance of findings. Pursuant to the Agreement, the District agrees to take the following steps:

Individual Remedies

- A. By November 30, 2013, the District will notify the Student's parent, in writing, that the District is reconvening the Student's Section 504 team. The written notice will provide the Student's parent with the date of the proposed meeting, the agenda for the proposed meeting, and a mechanism for the parent to provide input to the Section 504 team if the parent is unable to attend the meeting. The District will provide the Student's parent with this written notice at least five days in advance of the Section 504 team meeting date. The Section 504 team's agenda will include:
1. A determination of the xxxxxxxxxxxxxxxx costs incurred by the parent, during the xxxx-xxxx and xxxx-xxxx school years, when the District changed the Student's placement to the xxxxx xxxxxx xxxxxxxxxxx xxxxxxx xxxxxx xxxxx in xxxxx xxxxx, without considering the need for xxxxxxxxxxxxxxxx as a related service as part of the Student's education program.
 2. Discussions of any revisions to the written Section 504 plan for the Student for the xxxx-xxxx school year, which includes consideration of the Student's need for xxxxxxxxxxxxxxxx as a related service as part of the Student's education program.
 3. A determination of whether the District will provide the Student with xxx xxxxxxxxxxxxxxxx to the xxx during the remainder of the xxxx-xxxx school year and, if not, the manner in which the District will reimburse the Complainant for the cost of private xxxxxxxxxxxxxxxx to the xxx.
- B. By December 30, 2013, the District will reimburse the Student's parent for the xxxxxxxxxxxxxxxx costs she incurred during the xxxx-xxxx and xxxx-xxxx school years.

REPORTING REQUIREMENTS:

By December 30, 2013, the District will provide documentation to OCR regarding its compliance with paragraphs A and B above, including the following:

1. A copy of the written notice sent to the parent, which meets the requirements of paragraph A above;
2. A list of the Section 504 team participants, including each participant's name and title.
3. A copy of any documentation considered at the meeting, including but not limited to, documentation provided by the Student's parent, written staff input, and any other documentation considered;
4. A copy of any documents developed at the meeting, such as a Section 504 plan;
5. Documentation that the District provided the Student's parent with notice of her procedural safeguards, including the right to challenge any Section 504 team decisions through an impartial due process hearing; and
6. Documentation that the District reimbursed the Student's parent for xxxxxxxxxxxxxxxx costs for the xxxx-xxxx and xxxx-xxxx school year.

District-Wide Remedies

- A. By December 30, 2013, the District will provide District staff involved in the identification, evaluation and placement of students with disabilities with training on the requirements of Section 504 and Title II, including Section 504 and Title II's requirements regarding the provision of xxxxxxxxxxxxxxxx to students with disabilities.

REPORTING REQUIREMENTS

1. By January 8, 2014, the District will provide OCR with documentation that the above-referenced training has occurred, including copies of any training materials used or distributed during the training, a summary of the trainer's qualifications, a sign-in sheet with the names and titles of the attendees, and any other pertinent documentation.

GENERAL REQUIREMENTS

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 regulation implementing Section 504 at 34 C.F.R. § 104.33, which was 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 regulation implementing Section 504 at 34 C.F.R. § 104.33.

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.

Superintendent or Designee

Date