

**Resolution Agreement**  
**Ashtabula County Career and Technical Center**  
**OCR Docket #15-13-1355**

The Ashtabula County Career and Technical Center (the Center) voluntarily submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, and to resolve the above-referenced complaint. Accordingly, the Center agrees to take the following actions:

**I. Individual Remedies**

By May 23, 2014, the Center will send the Student's parents a letter, offering to convene a team of knowledgeable persons, including representatives of the Center, the xxxxxxx xxxxx xxxxxxx (the District), the Student's parents, and the Student to determine what compensatory education services, if any, the Student requires for the time period from xxxxxxx xx xxxxxxx xxxxxxxxxx xxx xxxxx due to the Center's failure to implement the provisions of his individualized education program (IEP) requiring the use of a xxxxxxx xxx xxxxxx and xxxxxxx xxx xxx xxx xxxxxxxxxxxxxxxx. The team will also consider whether any discipline the Student received during that time period was the result of the Center's failure to implement those portions of the IEP and, if so, what actions are needed to redress this (e.g., correction of records, counseling, etc.). The letter will give the Student's parents 30 calendar days to accept the Center's offer in writing. If the team decides that compensatory education and/or redress for improper discipline is appropriate, the team will develop a written plan for providing the Student with the compensatory education and/or redressing the improper discipline, which plan will identify the nature and amount of the services to be provided and/or the actions to be taken, at no cost to the Student's parents, by whom, and when. The Center will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge the determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENTS:** By June 30, 2014, the Center will submit to OCR a copy of the letter sent to the parents, any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents and showing that notice of the team's determinations and of procedural safeguards was provided to them, and any other documentation relevant to the determinations reached in accordance with Action Item I above. Should the Center determine that no compensatory education or other remedial action is necessary, the Center will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the Center met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, in making these determinations.

By December 15, 2014, the Center will provide documentation to OCR verifying that any compensatory education services and/or other remedial actions were provided for the Student.

## **II. Training for Center Staff**

By September 30, 2014, the Center will provide training to its culinary arts program teachers, administrative staff, and special education coordinator on the general requirements of Section 504 and Title II, concerning the identification, evaluation, and placement of students with disabilities, including the Center's obligation to implement a student's IEP or Section 504 plan as written, and reconvene the IEP or Section 504 team prior to making significant changes to a student's placement or services, and to plan for how a student's IEP or Section 504 plan will be implemented in the Center's programs. The training will also include the Vocational Education Nondiscrimination Guidelines of the regulation implementing Title VI of the Civil Rights Act of 1964, at 34 C.F.R. Part 100, Appendix B, as they apply to disability discrimination.

**REPORTING REQUIREMENT:** By September 30, 2014, the Center will submit to OCR information documenting the date(s) of the training(s), the identity and qualifications of each person delivering the training(s), the name and job title of all persons who attended the training(s), sign-in sheets with the names and titles of all attendees, and a copy of any presentation or other handouts used for the training.

## **III. Center Section 504 Procedures**

By September 30, 2014, the Center will develop a written procedure for actions to be taken by Center staff when a student with a disability transfers to the Center, including obtaining any necessary information from the student's sending district about the student's IEP or Section 504 plan, communicating to relevant Center staff what disability-related aids and services the student requires, and determining how the student's IEP or Section 504 plan will be implemented in the Center's program. The procedure will require the Center to reconvene the student's IEP or Section 504 team if modifications to the IEP or Section 504 plan are needed to tailor the plan to the Center's program.

Within 60 calendar days after OCR notifies the Center of the approved procedure, the Center will publish the procedure by sending written notification to all staff, posting it on the Center's web site, and placing it in student and staff handbooks.

**REPORTING REQUIREMENTS:** By September 30, 2014, the Center will submit to OCR a copy of the draft procedure for its review and approval. Within 60 calendar days after OCR notifies the Center of the approved procedure, the Center will provide OCR with documentation verifying that it has published the OCR-approved procedure as required above.

## **General Requirements**

The Center understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Center understands that during the monitoring of this Agreement OCR may visit the Center, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Center has fulfilled

the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.33, which was at issue in this case.

The Center understands that OCR will not close the monitoring of this Agreement until OCR determines that the Center has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.33.

The Center 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 Center written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

05/28/14

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Superintendent or designee

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Date