

**Resolution Agreement
Olivet Community Schools
OCR Docket #15-14-1109**

Olivet Community Schools (the District) submits this Resolution Agreement to the U.S. Department of Education's Office for Civil Rights (OCR), to resolve the above-referenced complaint and 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, 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. The District agrees to take the following actions:

ACTION STEPS – Individual Remedies

1. By **November 30, 2015**, the District will convene the Section 504 or Individualized Education Program (IEP) team (Team), including the Student's parent(s), for the Student to determine whether, between XXXX, 2013, and XXXX, 2014, inclusive (the relevant time period), the Student had a disability, defined under the Section 504 regulation as a mental or physical impairment that substantially limits one or more major life activities. If the Team determines that the Student did have a disability under this definition during the relevant time period, then the Student was entitled to receive a free appropriate public education (FAPE) under Section 504. Accordingly, the Team will consider whether the aids and services in Student's Section 504 plan or IEP in effect during the relevant time period provided him with FAPE. The Team will:
 - a. Determine what, if any, compensatory education or other remedial services, including afterschool tutoring or summer school courses, the Student requires for the time period from XXXX, 2013, to XXXX, 2014, when the District had not timely considered an evaluation of the Student to determine whether he was a qualified individual with a disability under Section 504 and may not have provided him with FAPE; and for the time period from XXXX, 2014, to XXXX, 2014, when the substantive content of the Student's IEP was not developed by a team process nor tailored to the Student's individual needs.
 - b. Develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Action Step 1(a) above, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom, and when, and will become part of the Student's Section 504 plan or IEP. The District will invite the Student's parent(s) to participate in the Team meetings, and, in the event that the Student's parent(s) is/are unable to attend, the District will provide the Student's parent(s) with a meaningful opportunity to provide input, written notice of any determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due-process hearing should they disagree.

REPORTING REQUIREMENTS: By **November 30, 2015**, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1 above, including: documentation showing when the Team met, who was present (including their position/title), what was discussed, the Team’s decisions and the bases for those decisions, copies of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student’s parent(s) and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Action Step 1 above. Should the District determine that either the Student did not have a disability under Section 504 during the relevant time period or that no compensatory education or other remedial services are necessary, the District will provide a written explanation of the reasons for those determinations, along with any supporting documentation. 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.

If the Team determines that compensatory education is necessary, the District will submit documentation to OCR by **May 31, 2016**, verifying that it provided the Student with the compensatory education, including the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

ACTION STEPS – Section 504 Policies, Training, and Notice

2. By **November 30, 2015**, the District will designate a person or persons to coordinate its compliance with Section 504, and publish this individual’s name or title and contact information (i.e., specific address and telephone number) on the District’s website, in its student and employee handbooks, in relevant policies and procedures, and in other publications to the extent required by 34 C.F.R. § 104.8. If the District designates more than one person to handle its compliance with Section 504, it will designate one of these individuals as the overall Section 504 coordinator, who is responsible for overseeing the other Section 504 coordinators as well as the District’s compliance with Section 504. Further, if more than one Section 504 coordinator is designated, the District will clearly designate who the overall Section 504 coordinator is on its website and in its relevant publications and will include a description of the particular duties for each Section 504 coordinator in these publications.

REPORTING REQUIREMENT: By **November 30, 2015**, the District will provide OCR with documentation that it has complied with Action Step 2 above, including a copy of its revised student handbook and links to its revised website.

3. By **November 30, 2015**, the District will draft and submit for OCR’s review and approval proposed policies and procedures to implement the District’s obligations under Section 504 and its implementing regulation at 34 C.F.R. §§ 104.34, 104.35, and 104.36 regarding, at a minimum, identification, evaluation, reevaluation, placement procedures, procedural safeguards, and provision of FAPE to qualified

students with disabilities. The proposed policies and procedures will not distinguish between policies viewable by District staff and those viewable by others in the District community, including parents and guardians.

REPORTING REQUIREMENT: By **November 30, 2015**, the District will submit the policies and procedures it developed pursuant to Action Step 3 to OCR for review and approval.

4. Within 30 calendar days of OCR’s approval of the policies and procedures submitted under Action Step 3, the District will submit for OCR’s review and approval a copy of its proposed training materials to implement Action Step 5, along with the name and qualifications of the proposed trainer. To assist the calculation of the deadline for Action Step 5, the District will at the same time also submit a calendar showing the days on which school is in session.
5. After OCR’s approval of the training submitted under Action Step 4 and by no later than September 2, 2016 (or the earliest professional-development day reasonably available), the District will provide training by a competent authority on Section 504, on the District’s obligations to students with disabilities under Section 504 and on the OCR-approved District-specific Section 504 policies and procedures, to: the District’s Section 504 coordinator(s), all school administrators in the District, all teachers, and any other staff (e.g., psychologists, paraprofessionals, school nurses, social workers) who may have a role in the identification, evaluation, and placement of students that have, or are suspected of having, a disability under Section 504.

REPORTING REQUIREMENTS: Within 30 calendar days of OCR’s approval of the policies and procedures submitted under Action Step 3, the District will submit to OCR for review and approval its proposed training materials for implementation of Action Step 5. After OCR’s approval of the training materials submitted under Action Step 4 and by no later than September 2, 2016 (or the earliest professional-development day reasonably available), the District will submit information to OCR documenting implementation of Action Step 5 above, including: the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); sign-in sheets or acknowledgments showing the names and job titles of all persons who received the training; and an organizational directory, if substantively different from the one submitted pursuant to the reporting requirement for Action Step 6.

6. Within 60 calendar days of OCR’s approval of the policies and procedures submitted under Action Step 3, the District will:
 - a. adopt and implement the OCR-approved policies and procedures;
 - b. distribute them to all District staff;
 - c. publish them on its public website;
 - d. include them in its student and employee handbooks;

- e. notify students, parents, and guardians of the District’s Section 504 policies and procedures, including procedural safeguards, and where a copy may be obtained by means that are designed to reach each student, parent, and guardian. Such means could include placing a notification in any regularly issued District newsletters or bulletins or sending a notice or a copy of the policies and procedures home with each student; and
- f. review and, as appropriate, revise any of its existing policies and procedures that address students with disabilities to ensure that they are consistent, or, to the extent necessary, withdrawn, so as to eliminate confusion for students, parents, and staff. This will include revising any existing policies and procedures or other documents that contain incorrect identification of the District’s Section 504 coordinator(s).

REPORTING REQUIREMENTS: Within 60 calendar days of OCR’s approval of the policies and procedures submitted under Action Step 3, the District will submit documentation showing that Action Step 6 has been implemented, including a link to the policies and procedures on the District’s website; copies of the District’s student and employee handbooks and any other documents revised in accordance with Action Steps 6(d) and 6(f); copies of the notices issued to employees; an organizational directory and other documentation verifying that the entire set of staff who should have received the policies and procedures actually did so; and a description of the means used to provide notice to students, parents, and guardians of the District’s Section 504 policies and procedures, including procedural safeguards, and copies of any notices issued.

- 7. By **January 30, 2016**, the District will either implement a new system, such as a software package, or modify the District’s current system for memorializing students’ IEPs and Section 504 plans, to ensure that it will not limit to a finite set of pre-populated items the accommodations, supports, or services that are publishable in the section of a student’s IEP or Section 504 plan listing a student’s accommodations.

REPORTING REQUIREMENTS: By **January 30, 2016**, the District will provide documentation to OCR verifying its implementation of Action Step 7. By **May 31, 2016**, the District will provide documentation to OCR verifying that the new or modified system is not limiting teams’ ability to develop IEPs and Section 504 plans individually tailored to provide FAPE to each qualified student with a disability, including a sampling of IEPs and Section 504 plans that have been developed using the system.

General Requirements

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 at 34 C.F.R. Part 104, Subpart D, which were at issue in this case.

