

**Resolution Agreement
Elida Local School District
OCR Docket No. 15-14-1143**

The Elida Local School District (the District) submits the following agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to ensure 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 (Section 504), 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 (Title II), and to resolve the above-referenced complaint. Accordingly, the District agrees to take the following actions:

Action Steps

A. Individual Remedies

1. By October 30, 2014, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine the compensatory and/or remedial services the Student needs as a result of the District's failure to provide appropriate regular and/or special education or related services throughout the 2013-2014 school year. Within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond November 1, 2015. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.
2. By October 30, 2014, it will provide the Student with xx xxxxxxxx xxxxxxxx xxxxxxxx x xxxxxxxx xx xxxxxxxx for his use in the classroom throughout the 2014-2015 school year, unless the parent(s) notify the District on or before October 17, 2014, in writing, that they do not want xxx xx xxxxxxxx for the Student. The xxxxxxxx xx xxxxxxxx must be appropriate for the Student and xxx xxxxxxxx xxxxxx and available for his use in the classroom throughout the 2014-2015 school year.

REPORTING REQUIREMENTS:

- a) Within two weeks of the decision as to the compensatory and/or remedial services that are needed, but no later than October 30, 2014, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing the compensatory and/or remedial services to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation 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.

- b) By October 30, 2014, the District will provide OCR with copies of the purchase order, invoice, or any other documentation to establish that the District purchased xxx xx xxxxxx pursuant to A.2 above.
- c) By June 30, 2015, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

B. District-Wide Remedies

1. By October 30, 2014, the District will submit to OCR a draft for OCR's review and approval a written notification that it will provide to all of its administrators, teachers, and staff members, describing the District's obligations under Section 504 and Title II with respect to evaluation, eligibility determination, placement and the development of a Section 504 plan, the requirements of providing a free and appropriate public education, reevaluation, grievance procedures, procedural safeguards, and communication.
2. The District will fully address any comments by OCR regarding the draft notification identified in Paragraph 1 and within fifteen (15) days of OCR's approval of the notification, the District will disseminate the notice to the District's administrators, teachers, and staff members, as well as post the notice on the District's website, in its promotional materials, and in other publications used by the District.

REPORTING REQUIREMENTS:

By October 30, 2014, the District will provide OCR with a copy of the draft notice described in in Item B.1 above. Within fifteen (15) business days of OCR's approval of the draft notice, the District will provide OCR with documentation demonstrating that the District has disseminated the notice to the District's administrators, teachers, and staff members and posted and published the notice as described in Item B.2 above.

3. By December 19, 2014 the District will provide training to its Section 504 Coordinator and other District administrators on Section 504 and Title II, including training on procedures that satisfy the educational setting, evaluation, placement, and procedural safeguards requirements set forth in the Section 504 implementing regulation at 34 C.F.R. §§ 104.34-104.36, and the requirements set forth in the Section 504 implementing regulation at 34 C.F.R. § 104.33 regarding the provision of a free appropriate public education (FAPE) to each qualified student with a disability in the recipient's jurisdiction.

REPORTING REQUIREMENT:

By December 19, 2014, the District will submit to OCR documentation to verify that it implemented item B.3 above, including but not limited to, a copy of any agendas, outlines, handouts, and sign-in sheets from the training(s) provided to the Section 504 Coordinator and District administrators.

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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33, 104.35, 104.36, and Title II and its implementing regulation at 28 C.F.R. § 35.160, which were at issue in this case.

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 Section 504 and its implementing regulation at 34 C.F.R. §§104.33, and 104.35, and 104.35 and Title II and its implementing regulation at 28 C.F.R. § 35.160.

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.

/s/

09/12/14

Superintendent or designee

Date