

**Resolution Agreement
Bay Village Schools
OCR Docket No. 15-14-1207**

Bay Village Schools (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, 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, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulations at 28 C.F.R Part 35. This Agreement is being voluntarily submitted by the District under Section 302 of OCR's *Case Processing Manual* and before the completion of OCR's investigation and any issuance of findings; accordingly, the District agrees to do the following:

ACTION STEPS

1. By October 6, 2014, the District will issue a written memoranda to all building administrators at all District school buildings, the special education director, transportation supervisor and all relevant special education teachers and transportation personnel responsible for students with disabilities who receive special education transportation at these schools, to remind them that no student with a disability may receive a shortened school day due solely to transportation or administrative convenience. The written reminder will advise such staff and administrators that students transported on special education routes must be provided with a full instruction day, depending on each school's instructional time. The reminder will include a clear definition of what a "shortened school day" is and that the length of instructional time for students with disabilities is the same as all other students.
2. By October 17, 2014, the District will require that: a) the classroom teachers/aides at each school building, who are responsible for special education students who receive transportation related to their disability, immediately begin keeping daily logs showing the actual release time of students from their respective classrooms to board the school bus at the end of the school day; b) the bus driver(s) or special education aide(s) for the special education transportation route also keep daily logs for the students that receive special transportation related to their disability showing the actual time that students at each of the District's school buildings are picked up at the end of the regular school day.
3. By October 17, 2014, the District will designate an administrator at each school building to conduct random observation checks to ensure that the special education or other teachers and transportation personnel responsible for special education students who receive transportation related to their disabilities do not act in a manner that results in a shortened school day for such students, such as dismissing students from classrooms or picking students up to transport them on the bus prior to the time that all other students at the respective building are released at the end of the school day; the administrator will document the dates, times and observations of the random checks and any actions taken

to address any irregularities, and will provide periodic updates to Superintendent, as deemed appropriate .

4. By November 30, 2014, the District will identify the students currently enrolled in the District who received transportation related to their disability during the 2013-2014 school year and will conduct a meeting with the appropriate staff knowledgeable about each student and will invite the parent/guardian(s) to attend and or participate in that meeting, to:
 - a) determine whether compensatory education services are necessary to compensate any students for the time that students were released from class prior to the regular dismissal time to avail themselves of special education transportation provided by the District during the 2013 -2014 school year. If the Team determines that compensatory education services are necessary for any such student, the Team will then determine the amount and type of compensatory education services necessary to compensate that student, as well as how and when the services will be provided. The compensatory education services will then be provided at no cost to the parent/guardian(s) between January 5, 2015 and May 30, 2015.
5. By December 19, 2014, the District will send notification to each student's parent or guardian, in writing, of the Team's decisions regarding item 4 above. The notification should include a detailed description of the nature and amount of compensatory education or remedial services to be provided, if any, including what services will be provided, where and how often the services will be provided, who will provide them and a notice that no cost will be incurred by the Student's parent/guardian(s). The District will also notify the Student's parent/guardian(s), in writing, of the procedural safeguards afforded them under IDEA and Section 504, including the right to challenge the determinations regarding compensatory education services determination through requesting an impartial due process hearing should a student's parent/guardian(s) disagree.

REPORTING REQUIREMENTS:

By **December 31, 2014**, the District will provide OCR with documentation regarding implementation of items 1-4 above, including the following:

- a. a copy of the notice sent pursuant to item 1 above, including how the notice was transmitted to identified staff and administrators;
- b. a copy of the daily logs kept by special education and transportation staff from October ? 2014, through December 19, 2014;
- c. a summary of the dates, times, observations and actions taken by each administrator designated to conduct random checks in classrooms and at designated bus pick-up route locations for the time period from Oct? 2014-December 19, 2014.

- d. a list of the names and titles of all individuals attending the meeting required pursuant to item 4 above, including a copy of the invitation or notice sent to the parent inviting the parent to the meeting, a copy of any meeting minutes, documentation of any input provided by the Student's parent, a copy of the notice sent to the parent regarding the outcome of the meeting, including a copy of the plan of compensatory services for each student deemed appropriate, and documentation showing that the procedural safeguards were provided to the parent, and any other documentation relevant to the determinations reached in accordance with item 4 above. Should the District determine that no compensatory education was necessary, pursuant to item 4 above, the District will provide a written explanation of the reasons for the determination(s), 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.

By **June 30, 2015**, the District will provide OCR a copy of the daily logs kept by special education and transportation staff from January 5, 2015 through the end of the 2014-2015 school year, a summary of the dates, times, observations and actions taken by each administrator designated to conduct spot checks in classrooms and at designated bus pick-up locations from January 5, 2015 through the end of the 2014-2015 school year, and documentation demonstrating that any compensatory educational services deemed necessary pursuant to item 4 were provided to the students at issue.

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 and Title II with respect to the issues addressed in this Agreement;

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 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.

_____/s/_____
Superintendent or Designee

09/30/14
Date