

**Riverview Community School District  
Resolution Agreement  
OCR Docket #15-14-1232**

The Riverview Community School District (the District) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 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, 28 C.F.R. Part 35. The Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the laws or regulations enforced by OCR have been violated by the District. Accordingly, the District agrees to take the following actions:

**Action Step**

1. By November 15, 2014, the District will convene the Student's xxxxxxxx xxx xx xxxxxxxxxxxxxxxxxxx xxxxxxxxxxx xxxxxxx xxxxx team (Team), including the Student's xxxxxxx and xxxxxxxxxxxxxx to determine whether, beginning on xxxxxxxx xx xxxxx the Student had a mental or physical impairment that substantially limited one or more major life activities, and whether, as a result of such mental or physical impairment, xx was entitled to receive a free appropriate public education (FAPE) under Section 504. Should the Team determine that the Student would have been eligible for services under Section 504, the Team will then take the following actions:
  - a. Determine what compensatory education or other remedial services the Student requires for the time period from xxxxxxxx xx xxxxx to the present, when the District failed to evaluate the Student to determine whether xx was a qualified individual with a disability under Section 504 and failed to provide xxx with FAPE.
  - b. Develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Items 1(a) above, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parents by whom, and when, and will become part of the Student's Section 504 plan or IEP. The District will invite the Student's xxxxxxx and xxxxxxxxxxxxxx to participate in the Team meetings, and in the event that the Student's xxxxxxx and xxxxxxxxxxxxxx are unable to attend, the District will provide the Student's xxxxxxx and xxxxxxxxxxxxxx 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 15, 2014, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1 above, including: including a documentation showing when the Team met, who was present, 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 xxxxxx and xxxxxxxxxxxx and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Action Item 1 above. Should the District determine that either the Student was not eligible for services under Section 504 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.

By June 30, 2015, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education the Team determined to be necessary, if such a determination was made, 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).

**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. §§ 104.34, 104.35 and 104.36\_\_ and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

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 its implementing regulation at 34 C.F.R. 34 C.F.R. §§ 104.34, 104.35 and 104.36 and Title II and its implementing regulation at 28 C.F.R. § 35.130(a).

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/

12/2/14

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date