

**Resolution Agreement
West Bloomfield School District
OCR Docket #15-14-1239**

The West Bloomfield School District (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 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 regulation at 28 C.F.R. Part 35, as amended by the ADA Amendments Act of 2008 (ADAAA). 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.

By entering into this Agreement, the District does not make an admission that it or any of its staff or agents violated any District, state or federal statute, rule, policy or regulation. Rather, the District's decision to enter into this Agreement is indicative of its desire to compromise and amicably resolve the allegations raised in the complaint. The agreement is in no way intended to be, nor should it be construed as, an admission by the District or finding by OCR that the District, its staff or its agents engaged in any discrimination or other unlawful conduct. Accordingly, the District agrees to do the following:

ACTION STEPS – Individual Remedies

1. By December 19, 2014, the District will do the following:
 - a. Convene the Student's xxxxxxxx xxx xx xxxxxxxxxxxxxxxxxxx xxxxxxxxxxx xxxxxxxx xxxxxx team (Team), including the Student's parents, to determine whether compensatory education or other remedial services are necessary to compensate the Student as a result of the District's alleged failure to provide the Student with xxxxxxxxxxx xxxxx on two xxxxxx xxxxxxxxxxx xxxxxxxx on xxx xxx xxxxxx and xxx xxx xxxxxx. In addition, as a compromise to the allegations raised by the complainant regarding the District's alleged failure to provide the Student with xxxxxxxxxxx xxxxx in xxx xxxxxxxxxxx course during the 3rd and 4th quarters of the xxxxxxxxxxx school year, and alleged failure to provide the Student with the appropriate services in xxx xxxxxxx class as required by the Student's xxxxxxxx xxx plan, the District agrees to convene the Student's xxxxxxxx xxx xx xxx xxxxxx including the Student's parents to determine what, if any, compensatory education or other remedial services the Student may be entitled to receive.
 - b. If the Student's xxxxxxxx xxx xx xxx Team determines that the Student is entitled to compensatory education or other remedial services, the District will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Item 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 xxxxxxxx xxx xxxxx xxx xxxxxx. 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 January 9, 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, 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, including the Section 504 plan or IEP, and the compensatory education plan if the Team determines the Student is entitled to compensatory education or other remedial services, documentation of any input provided by the Student's parents 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. 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 this determination.

By June 30, 2015, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education or remedial services, if any, the Team determined to be necessary, 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 – District-wide Remedies

2. By March 31, 2015, the District will provide training by a competent authority on Section 504 on the District's obligations to students with disabilities under Section 504 to all administrators, teachers and any other staff at the District's High School responsible for the identification, evaluation, and placement of students who have or are suspected of having a disability under Section 504, or who play any role in implementing students' Section 504 plans or IEPs. The District may request that OCR provide this training.

REPORTING REQUIREMENTS: By April 13, 2015 the District will submit information to OCR documenting implementation of Action Step 2, including sign-in sheets showing the names and job titles of all persons who attended the training, and if the training was not provided by OCR, the date(s) of the training(s); a copy of the training agenda; copies of training materials used; and the name, title, and qualifications of the person(s) who provided the training(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. § 104.33 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. § 104.33 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/

11/20/2014

Superintendent or Designee

Date