

RESOLUTION AGREEMENT
South Lyon Community Schools
OCR Docket No. 15-14-1284

South Lyon Community Schools (the District) submits this Resolution Agreement (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, 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. In entering into this Agreement, the District makes no admission that it has violated the regulations implementing Section 504 or Title II. The District agrees to take the actions described below.

ACTION STEPS:

1. For each student enrolled in the District for the 2013-2014 and/or 2014-2015 school year(s) whose Individualized Education Program (IEP) or Section 504 Plan called for physical therapy (PT) or occupational therapy (OT) services and whose parent or guardian (parent) submitted to the District a prescription in the 2013-2014 and/or 2014-2015 school year(s) regarding such services, the District will send a letter to the student's parent(s) explaining the following:
 - a. The District will offer to reimburse the parents for any out-of-pocket expenses billed by the physician solely for obtaining that prescription. The reimbursement will occur within 30 days of the date when the parent submits information to the District during the 2014-2015 school year documenting the out-of-pocket expenses they paid. "Out-of-pocket expenses" means those expenses that were paid directly by the parent, as opposed to any third party such as an insurance carrier, solely for the cost of obtaining the prescription and are limited to those out-of-pocket expenses that the parent can prove through documentation.
 - b. If their student received PT and/or OT services but there was a delay in the parent(s) providing a prescription, the District will either provide the necessary PT and/or OT services that were missed due to said delay by the end of the 2014-2015 school year or will provide OCR with information documenting that it has already provided the necessary services to the student even in the absence of a prescription.
2. For each student enrolled in the District for the 2013-2014 and/or 2014-2015 school year(s) whose parent(s) did not submit to the District a prescription regarding PT and/or OT services, despite the student's IEP or Section 504 team having determined that the student needed PT and/or OT services to receive a free appropriate public education (FAPE), the District will send a letter to the student's parent(s) explaining the following:
 - a. The District will either arrange, with the parent(s)' consent and at no cost to the parent(s), for the student to be evaluated by an appropriately credentialed professional

to determine if a prescription for PT and/or OT services is appropriate or will offer to pay the parents' out-of-pocket expenses to obtain such a prescription.

- b. The District will either provide the necessary PT and/or OT services that were missed due to the parent(s)' not having obtained a prescription by the end of the 2014-2015 school year or will give OCR information documenting that it has already provided the services to the student in the absence of a prescription.

REPORTING REQUIREMENT: By March 31, 2015, the District will provide OCR with a copy of the letter sent to each family as described in Action Steps #1 & #2 above.

By May 31, 2015, the District will provide OCR with: (1) documentation showing the payment of all out-of-pocket expenses as described in 1(a); (2) the date each student identified in 2(a) was evaluated by an appropriately credentialed professional for PT and/or OT services and the result of that evaluation, or the offer to pay the parents' out-of-pocket expenses; and (3) documentation showing all necessary PT and/or OT services provided to each student identified in either 1(b) or 2(b) or that it had provided services to the student in the absence of a prescription.

3. The District will amend its Section 504 policies and procedures to ensure that they are consistent with the legal requirement that, if the District determines, based on the facts and circumstances of an individual case, that a medical assessment is necessary to complete an appropriate evaluation consistent with 34 C.F.R. § 104.35(a) and (b), the District must ensure that the student receives this assessment at no cost to the parents. If alternative assessment methods meet the evaluation criteria, these methods may be used in lieu of a medical assessment.

REPORTING REQUIREMENT: By March 31, 2015, the District will forward to OCR, for its review and approval, the amended portion of the District's Section 504 policies and procedures, revised to include the provision described in Action Step #3.

4. The District will send a written notification to parents and staff that advises them that if the District determines, based on the facts and circumstances of an individual case, that a medical assessment, including an assessment to obtain a PT or OT prescription, is necessary, the District must ensure that the student receives the assessment at no cost to the parents.

REPORTING REQUIREMENT: Within 30 days of sending the written notice described in Action Step #4, the District will provide a copy of the written notice and proof of distribution to OCR.

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 regulation implementing Section 504 at 34 C.F.R. §§104.33(a) and 104.35.

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(a) and 104.35.

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/

1/26/15

Superintendent or designee

Date