

**RESOLUTION AGREEMENT**  
**Cincinnati Public School District**  
**OCR No. 15-15-1040**

Cincinnati Public School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 15-15-1040 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

**Action Item 1**

By xxxxx, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, the District will reconvene the Student's Section 504 team to determine whether the District failed to provide the Student with any aids or services pursuant to xxxx, Section 504 plan from xxxxx, until xxxxx. All individuals responsible for implementing the Student's Section 504 plan during the periods identified above will either attend the meeting or send statements to the team prior to the date of the meeting regarding what provisions of the plan they implemented, or failed to implement, during the relevant time period. Should the team determine that there was a lapse of aids or services that impacted the Student's receipt of a free and appropriate public education from the District, the team will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services from xxxxx, to xxxxx.

If the District determines that compensatory and/or remedial services are necessary, within one (1) week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date xxxxx. 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.

**Reporting Requirements:**

- a) Within two (2) weeks of the decision as to whether compensatory and/or remedial services are needed, 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, including the determination of what provisions of the Student's Section 504 plan were not implemented, when and in which classes, and whether that impacted the Student ability to receive a free and appropriate public education; the information considered; and a description of and schedule for providing any compensatory and/or remedial services (if any) 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 xxxxx, 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).

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this case. The District also 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 the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were at issue in this case.

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.

This Agreement has been entered into voluntarily by the Cincinnati Public School District and does not constitute an admission by the Cincinnati Public School District that it is not in compliance with Section 504 or Title II or their implementing regulations.

4/15/15

/s/

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Date

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Superintendent or designee  
Cincinnati Public School District