

**Resolution Agreement
Boardman Local Schools
OCR Docket #15-15-1065**

The Boardman Local Schools (the District) voluntarily submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of ensuring 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, and to resolve the above-reference complaint. Accordingly, the District agrees to take the following actions:

Action Item 1 -- Individual Remedy

By xxxxx, the District will convene the Student's Section 504 Team, including the Student's parent(s), to determine what compensatory education or other remedial services the Student requires for the time period beginning xxxxx, until xxxxx. The group will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, 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 Section 504 plan. The District will provide the Student's parent(s) with a meaningful opportunity to provide input into these determinations, notice of the 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:

- a) By xxxxx, the District will submit to OCR documentation showing implementation of Action Item 1 above, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parent(s) 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 no compensatory education or other remedial services are necessary, the District will provide a written explanation of the reasons for that determination, 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.
- b) By xxxxx, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s), a description of what was provided, and the name(s) of the service provider(s).

Action Item 2 – District-Wide Remedy

1. By xxxxx, the District will draft Section 504 policies and procedures, including procedures for identifying, evaluating, and making placement decisions under Section 504, for OCR’s review and approval. The policies and procedures should comply with Section 504 and Title II. In addition, please ensure that the District’s forms, documents, and policies and procedures referencing OCR provide the following updated contact information for OCR:

U.S. Department of Education
Office for Civil Rights
1350 Euclid Ave., Suite 325
Cleveland, Ohio 44115
P: 216-522-4970

Reporting Requirement:

By xxxxx, the District will submit to OCR the draft policies and procedures for review.

2. Within **60 days** of OCR’s approval of the revised Section 504 policies and procedures, the District will adopt them; inform employees, parents or guardians, and students where they can be found; post them to its website in an accessible location; and provide training to staff involved with the identification and placement of students with disabilities regarding the new policies and procedures and the requirements of Section 504 and Title II. Training should make specific mention of the importance of appropriately evaluating and placing students with medical or physical disabilities, and clarify that the District may not require a parent or guardian to submit medical documentation before conducting an evaluation or making a placement decision under Section 504.

Reporting Requirement:

Within **90 days** of OCR’s approval of the Section 504 policies and procedures, the District will submit to OCR documentation of its compliance with paragraph 2, including copies of correspondence to employees, students, and parents or guardians; a link to the District’s website where the policies and procedures are posted; a copy of all training materials, including information documenting the date(s) of the training(s), the identity and qualifications of each person delivering the training(s), any agendas, outlines, handouts, and sign-in sheets from the training(s) provided, including the name, job title, and building of all persons who attended the training(s).

General Requirements

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. §§ 104.34, 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 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 Section 504 and its implementing regulation at 34 C.F.R. §§ 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.

/s/

6/5/15

Superintendent or designee

Date