

**RESOLUTION AGREEMENT**  
**Saginaw City School District**  
**OCR Docket # 15-15-1178**

The Saginaw City School District (the District) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35. The District agrees to take the following actions:

**ACTION STEPS – Individual Remedies**

1. By **December 18, 2015**, the District will convene the Student’s Section 504 team (the Team), including the Student’s parent(s), the director of special education or her designee, and relevant teachers and administrators to determine (1) whether the Student was a Student with a disability during the 2014-2015 school year; and (2) whether the District’s failure to evaluate the Student for a Section 504 plan during the 2014-2015 school year, resulted in a denial of a free and appropriate public education (FAPE) to the Student. Should the Team determine that the Student was a student with a disability and denied FAPE, the Team will then take the following actions:
  - a. Determine what, if any, compensatory education or other remedial services the Student requires for the time period when he was denied FAPE.
  - b. 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 Section 504 plan. 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 (such as participation by conference call), 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.
  - c. Determine whether the denial of FAPE resulted in the Student receiving lower grades in his courses and on his exams.
  - d. Develop a written plan for providing the Student with the opportunity to make-up any work and/or retake any exams, identified in Item 1(c) above.

**REPORTING REQUIREMENTS:** By **December 18, 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; 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 Step 1 above. Should the District determine that either the Student was not a student with a disability and/or denied FAPE; that no compensatory education or other remedial services were necessary; and/or that no make-up opportunities or test retakes were necessary, 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 **March 1, 2016**, if the Team determined that compensatory education, other remedial services, and/or make-up and testing retake opportunities were necessary, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education, other remedial services, and/or make-up and testing retake opportunities, including the dates, times, and locations that the compensatory education, other remedial services, and/or make-up and testing retake opportunities were provided to the Student, and the name(s) and title(s) of the service provider(s).

### **ACTION STEPS – District-wide Remedies**

2. By **March 1, 2016**, the District will provide training by a competent authority on the District's obligations to students with disabilities under Section 504, including the District's obligation to evaluate student without requiring parents to provide medical evaluations. The training will be provided to all District personnel responsible for identifying, evaluating, and placing students with disabilities, including the special education director and the principal.

**REPORTING REQUIREMENT:** By **March 1, 2016**, the District will provide OCR with the date(s) of the trainings; a copy of the training agendas; copies of training materials used; the name, title, and qualifications of the person(s) who provided the trainings; and sign-in sheets showing the names and job titles of all persons who attended the trainings.

### **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 in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33-104.36 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 fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33-104.36.

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 sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Saginaw City School District  
Superintendent or Designee

\_\_\_\_11/25/2015\_\_\_\_\_  
Date