

**Resolution Agreement**  
**XXXXXXX XXXXX School District**  
**OCR Docket #15-15-1229**

The XXXXXXXXXXX XXXX School District (the District) submits this Resolution Agreement to the U.S. Department of Education, 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.

**ACTION STEPS – Individual Remedies**

By **December 1, 2015**, the District will send a letter to the Student’s parent(s) indicating that should the Student re-enroll at the District for the 2015-2016 school year, the District will reconvene the Student’s Section 504 team, including the Student’s parent(s), to determine whether compensatory education services or other remedial services are necessary to address the provisions of the Student’s Section 504 plan that OCR determined were not implemented during the 2014-2015 school year. The letter will notify the parent that if the District determines that compensatory education or remedial services are necessary, the District will draft a written plan for the provision of the services deemed necessary, which will identify the nature and amount of services to be provided, at no cost to the Student’s parents, by whom, and when. Additionally, if the 504 team determines that modifications to the 504 plan are necessary to provide FAPE based on currently available evaluation data and any additional information gathered by the District or that the parents wish to provide, the District will modify the plan as necessary.

If deemed necessary by the District, the District will develop a plan for providing timely compensatory and/or remedial services with a completion date of **June 1, 2016**. The District will notify the Student’s parents, in writing, of the District’s decisions regarding any changes to the Student’s Section 504 plan. The District will provide the Student’s parent/guardian notice of the procedural safeguards including the right to challenge the group’s determination, notice of the determination, 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 **December 15, 2015**, the District will provide OCR with a copy of the letter sent to the Student’s parent.

By **January 18, 2016**, the District will notify OCR of whether the Student re-enrolled in the District. If the Student has re-enrolled in the District, the District will, within two (2) weeks of reenrollment, set up a meeting to discuss implementation of the Action Step above. Within two (2) weeks of the determination whether or not compensatory and/or remedial services are needed, the District will submit to OCR documents explaining the Section 504 team’s decision. The documentation submitted shall include the names of the participants in the meeting; an explanation for decisions made including whether the

team determined that the failure to implement the provisions identified by OCR impacted the Student’s ability to receive a free and appropriate public education; the information considered; and a description of and schedule for providing 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 has 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.

If the Section 504 team determines that compensatory education or other remedial services are necessary, by **June 15, 2016**, 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).

**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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33 and the Title II implementing regulation at 28 C.F.R. §§ 35.130, 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.

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.

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date