

**Resolution Agreement
Farmington Public Schools
OCR Docket #15-15-1237**

The Farmington Public 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 Items 1 and 2 -- Individual Remedies

1. By **November 13, 2015**, the District will issue a letter to the Student's parents, with a copy to OCR, offering reimbursement for the out-of-pocket costs the Student's parents incurred for obtaining xxxxxxxxx for the Student during the xxxx xxxxx school year, and for xxxx xxx xxxxx xxxxxxxx xx xxxxxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxx xxxxxxxxx xxxxxxxx xxxxx xxxxx xxxxx xxxxx.

The letter will explain that within 30 days of receipt of the letter, the parents are to provide to the District supporting documentation of their out-of-pocket costs, such as billing invoices, receipts, cancelled checks, or other similar records showing costs incurred from and paid to the Student's xxxxxx xxxxxx. Within two weeks of receiving the documentation the District will submit the reimbursement to the parents. The District will provide OCR with a copy of the documentation received from the Student's parents, and proof of reimbursement. The letter will further explain that if the Student's parents do not submit supporting documents or notify the District of their acceptance of its offer within 30 days, the parents will be deemed to have rejected the District's offer and waive reimbursement for any items identified in paragraph 1 for which documentation was not provided.

2. By **November 13, 2015**, the District will convene the Student's Individualized Education Program (IEP) Team, including the Student's parent(s), to determine what compensatory education or other remedial services the Student requires for the time period beginning xxxx xx xxxxx xx xxxxx xx 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 IEP. 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:

By **November 20, 2015**, The District will submit to OCR documentation showing implementation of Action Item 1 above, including a copy of the letter it submitted to the Student’s parents to document its implementation of Action Item 1 above. By December 31, 2015, the District will submit to OCR documentation verifying its implementation of the remainder of Action Item #1, including a copy of the documentation provided by the Student’s parents and a copy of the reimbursement check. In the event that the Student’s parents do not provide the documentation within 30 days of the date of the District’s letter, the District shall notify OCR.

By **November 20, 2015**, the District will submit to OCR documentation showing implementation of Action Item 2 above, including a copy of any meeting minutes, documentation of any input provided by the Student’s parent(s); documentation demonstrating that procedural safeguards were provided to the Student’s parents, and any other documentation relevant to the determinations reached in accordance with Action Item 2 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.

By **June 24, 2016**, 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 3 – District-Wide Remedy

By **November 20, 2015**, the District will revise its Section 504 policies and procedures to ensure the following:

- the timely identification, evaluation, and placement of students with disabilities pursuant to Section 504 and provide and clarification that its policies and procedures for identifying, evaluating, and making placement decisions under Section 504 includes the evaluation of students suspected of having xxxxx xxxxx xxxxxxx xxxxxx xxxx;
- clarify that a student evaluation is not precluded by the student’s participation in the Unified Services Team and that the Unified Services Team is not to be treated as an alternative to evaluating a student suspected of having a disability;

- clarify that students may receive special education services and other related aides and services under Section 504, if it is determined to be necessary; and
- clarify that the informal process in the District’s Section 504 grievance procedures is optional.

Reporting Requirements:

By **November 20, 2015**, the District will submit to OCR the draft policies and procedures for review.

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 include them in District handbooks; 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.

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 the Reporting Requirements for Action Item 3, 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. § 104.35 and Title II, at 28 C.F.R. § 35.130(a) and (b), 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. § 104.35 and Title II, at 28 C.F.R. § 35.130(a) and (b), 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

October 6, 2015

Superintendent or designee

Date