

RESOLUTION AGREEMENT
Green Local School District
OCR Docket #15-15-1250

The Green Local School District (the District) submits this Resolution Agreement to the U.S. Department of Education's 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. The District agrees to take the following actions:

Individual Remedy

1. By May 30, 2016, the District will convene the Student's Section 504 team, including the Student and individuals at the District who are knowledgeable about the Student, the meaning of his evaluation data, and placement options, to determine whether the placement decision made on XXXXXXXX, was appropriate to provide the Student with a free appropriate public education (FAPE) under the requirements set forth at 34 C.F.R. § 104.33 and, if not, determine what compensatory education, if any, the Student may require as a result of the placement decision. The District, by April 1, 2016, will invite the Student, in writing, to attend the meeting and will provide a reasonable date by which the Student shall respond.
 - a. If the Student chooses not to attend the meeting or declines to respond by the deadline, the District is not required to convene the Student's Section 504 team. The District will notify the Student in writing that the meeting will not be held.
 - b. If the Student chooses to attend the meeting, and the District determines that the placement decision was not appropriate, the participants in the meeting will determine what compensatory services, if any, are appropriate for the Student. As applicable, the District will prepare a written plan for providing the Student with the compensatory education or other remedial services deemed necessary. The plan will identify the nature and amount of the services to be provided at no cost to the Student, by whom they will be provided, and when they will be provided. Because the Student has already graduated from the District, the plan should also identify where the services will be provided.
 - c. By June 15, 2016, the District will send notification to the Student, in writing, of the decisions made at the meeting. The notification should include a detailed description of the outcome of the assessment and, if applicable, the plan for compensatory education or other remedial services. The District will also notify the Student, in writing, of the procedural safeguards afforded to him under Section 504.

REPORTING REQUIREMENTS: By **June 15, 2016**, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1, including: (i) copies of the

District's efforts to schedule a meeting with the Student and the Student's response; (ii) copies of any notes or related documents from the meeting showing when the meeting occurred, who was present, what was discussed, the determinations made and the bases for those determinations; (iii) a copy of any plan developed for the Student; and (iv) a copy of any notification sent to the Student(s) pursuant to Action Step 2. Should the District determine that the May 1, 2015, placement decision for the Student was appropriate or that no compensatory education or other remedial services 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 **October 31, 2016**, if the Student's Section 504 team determined that compensatory education was necessary, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education, including the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, and including the name(s) and title(s) of the service provider(s).

Section 504 Training

2. By **October 31, 2016**, the District will provide training by a competent authority on Section 504 on the District's obligations to students with disabilities under Section 504 including, specifically, the obligation to provide free appropriate public education by implementing all provisions of a student's Section 504 plan or behavior intervention plan, the requirement to evaluate students with disabilities before a significant change in placement, and that Section 504 prohibits different treatment of Students with disabilities as compared to students without disabilities. The District will provide this training to the District's Section 504 coordinator and all of the Green High School administrators, including the principal and the assistant principals.

REPORTING REQUIREMENTS: By **October 31, 2016**, the District will submit information to OCR documenting implementation of Action Step 3 above, including: the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); and sign-in sheets showing the names and job titles of all persons who attended the training.

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. §§ 104.4, 104.33, and 104.35, and Title II and its 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. §§ 104.4, 104.33, and 104.35, and Title II and its implementing regulation at 28 C.F.R. § 35.130.

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/

Superintendent or Designee

Date