

**Huron School District  
OCR Docket #15-15-1287  
Resolution Agreement**

Huron 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 the District's 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 at 28 C.F.R. Part 35. The District agrees to take the following actions:

**Individual Remedies**

- A.** By **December 18, 2015**, the District will convene a group of knowledgeable persons, including the Student's parent(s), the District's Section 504 coordinator, and any other relevant and/or required District staff (the Team) to take the following actions:
1. Determine what compensatory education or other remedial services the Student requires as a result of the Student not receiving the appropriate regular and/or special education or related services, for any reason, during the 2015 spring semester.
  2. Draft a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Action Step A.1 above. The plan will identify the nature and amount of services to be provided at no cost to the Student's parent(s), by whom they will be provided, and when they will be provided. The plan for compensatory or other remedial services will become part of the Student's Section 504 plan.

The District will invite the Student's parent(s) to participate in the Team meeting described above, and in the event that the Student's parent(s) are unable to attend, the District will provide the Student's parent(s) with a meaningful opportunity to provide input.

- B.** By **January 11, 2016**, the District will send notification to the Student's parent(s), in writing, of the Team's decisions regarding Action Step A. The notification should include a detailed description of the outcome of the review, the nature and amount of compensatory education or remedial services to be provided, if any, including what services will be provided, where and how often the services will be provided, who will provide the services, and a notice that no cost will be incurred by the Student's parent(s). The District will also notify the Student's parent(s), in writing, of the procedural safeguards afforded them under Section 504, including the right to challenge the determinations regarding compensatory education services through requesting an impartial due process hearing.

**REPORTING REQUIREMENT:** By **January 18, 2016**, the District will provide OCR with documentation to demonstrate its implementation of Action Steps A and B, including: (i) documentation showing when the Team met, who was present, what was discussed, the Team’s decisions, and the bases for those decisions; (ii) copies of any meeting minutes; (iii) a copy of any plan developed for the Student, showing that it has been incorporated into the Student’s Section 504 plan; (iv) documentation of any input provided by the Student’s parent(s); (v) documentation showing that procedural safeguards were provided to the parent(s); (vi) any other documentation relevant to the determinations reached in accordance with Action Step A above; and (vii) a copy of the notification sent to the Student’s parent(s) pursuant to Action Step B. 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.

- C. 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).

**REPORTING REQUIREMENT:** 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).

### **District-wide Remedies**

- D. By **January 18, 2016**, the District will submit for OCR’s approval a proposed plan for training District staff on Section 504, to implement Action Step E below, along with the name and qualifications of the proposed trainer. The District will refrain from conducting the training required by Action Step E until OCR approves the training plan and the qualifications of the trainer. To assist the calculation of the deadline for Step E, the District will at the same time submit a list of professional-development days available for one calendar year from the time of submission pursuant to this Step.
- E. After OCR’s approval of the District’s training plan pursuant to Action Step D and by no later than September 5, 2016 (or the earliest professional-development day reasonably available), the District will provide Section 504 training, by a competent authority on Section 504, to all of its administrators, Section 504 coordinators, and staff members — such as enrollment registrars, teachers, psychologists, paraprofessionals, school nurses, and social workers — who are responsible for the enrollment, identification, evaluation, and placement of students with disabilities, or who may have a role in the implementation of Section 504 plans or Individualized Education Programs (IEPs). At a minimum, the training will cover the District’s responsibilities regarding identification, evaluation, and placement procedures required by Section 504 and its implementing regulation at 34 C.F.R. §§ 104.34, 104.35, and 104.36, as well as the District’s obligation to provide qualified students with a free appropriate public education (FAPE) under 34 C.F.R. § 104.33.

**REPORTING REQUIREMENT:** By **January 18, 2016**, the District will submit for OCR’s approval the proposed training information and materials and the name and qualifications of the proposed trainer. After OCR’s approval of the District’s training plan pursuant to Action Step D and by no later than September 5, 2016 (or the earliest professional-development day reasonably available), the District will submit information to OCR documenting implementation of Action Step E, including: (i) the date(s) of the trainings; (ii) a copy of the training agendas; (iii) a copy of the training materials used; (iv) the name, title, and qualifications of the person(s) who provided the trainings; and (v) sign-in sheets showing the names and job titles of all persons who attended the trainings; (vi) and an organizational directory or other documentation verifying that the entire set of staff who should have received the training actually did so.

- F. The District will submit to OCR for review and approval any Section 504 policies and procedures that address the enrollment of students whom the District knows or suspects are students with disabilities. The policies and procedures will comply with the regulation implementing Section 504, including at 34 C.F.R. §§ 104.3 (definitions), 104.35 (evaluation), and 104.36 (procedural safeguards), and with Title II, as amended by the ADA.

**REPORTING REQUIREMENT:** By **January 18, 2016**, the District will submit its Section 504 policies and procedures in accordance with Item F above to OCR for review and approval.

- G. Within 60 calendar days of OCR’s approval of the Section 504 policies and procedures submitted pursuant to Action Step F, the District will adopt the policies and procedures; post those policies and procedures on its website; and notify students, parents, guardians, and staff of the procedures and where copies may be obtained.

**REPORTING REQUIREMENT:** Within 60 calendar days of OCR’s approval of the Section 504 policies and procedures submitted pursuant to Action Step F, the District will submit to OCR documentation sufficient to demonstrate the adoption of the Section 504 policies and procedures, notification of students, parents, guardians, and staff of the procedures in accordance with Item G above, including copies of the notices issued to staff, administrators, and parents/guardians and the link to the policies and procedures on the District’s website.

### **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 the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 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 also 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 the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii).

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.

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/s/  
Superintendent or Designee

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Date