

**RESOLUTION AGREEMENT**  
**Solon City School District**  
**OCR Docket #15-16-1368**

Solon 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, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35 (Title II). The District agrees to take the following actions:

**Action Steps**

1. Within 5 days of signing this agreement, the District will send the parent of the student identified in OCR Docket #15-16-1368 (the Student) a certified letter notifying the parent that, should she wish to re-enroll the Student in the District for the 2016-2017 school year, the District will, within 30 calendar days of the Student's re-enrollment, reconvene the Student's Section 504 team (the Team), consisting of persons knowledgeable about the Student, including the Student's parent, to:
  - a. Develop, amend or revise, as necessary, the Student's Section 504 plan to ensure that the Student receives a Free Appropriate Public Education (FAPE), i.e., the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the Student as adequately as the needs of persons without disability are met.
  - b. Determine whether any compensatory education or other remedial services for the Student are necessary for the 2015-2016 school year, when the complaint states that the Student may not have had XXXXXXXX XXXX,XXXXXXXXXXXXXXXX, XXXXXX services, and access to technology, in all subjects.

The letter should note that while the Student may re-enroll and seek an evaluation at the District at any point in the future, the Student's parent must re-enroll the Student within 180 days of the date of the letter in order to access the possibility of compensatory education and/or remedial services, as described above.

2. If the Student's parent re-enrolls the Student within 180 days of the District's certified letter as described in Action Step 1 above, within 30 days of the Student's re-enrollment, the District will convene a Section 504 meeting to:
  - a. Develop, amend or revise, as necessary, the Student's Section 504 plan to ensure that the Student receives a FAPE. The District will also provide the Student's parent with notice of the procedural safeguards afforded her under the Section 504 implementing regulation at 34 C.F.R. § 104.36. In the interim, the District will either implement the Student's current Section 504 plan created by his prior school district, or meet with the Student's parent to determine what

accommodations will be provided during the Student's initial 30 days upon enrollment.

- b. Determine any compensatory education and/or remedial services the Student requires for the 2015-2016 school year, when the complaint states that the Student may not have had XXXXXXXX XXXX, XXXXXXXXXXXXXXXX, XXXXXX services, and access to technology, in all subjects. The Team will develop a written plan for providing the Student with the compensatory education and/or other remedial services, if deemed necessary. Any such plan will identify the nature and amount of the services to be provided at no cost to the Student's parent, by whom, and when, and will become part of the Student's Section 504 plan. The District will provide the Student's parent with a meaningful opportunity to provide input into these determinations.
3. Within 3 days of the Section 504 meeting, the District will provide the Student's parent with a copy of the Section 504 plan, and a copy of the written plan for providing the Student with the compensatory education and/or remedial services, and/or written notification of the Team's decisions regarding Action Step 2.b., above. The District will also provide the Student's parent with a 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. The notice will indicate that the Student's parent has 20 calendar days from the date of receipt to inform the District of her acceptance of the Student's Section 504 Plan and/or the District's offer of compensatory education and/or remedial services, if any.
  4. Within 3 months of the Team meeting identified in Action Step 2, the District will provide any compensatory education and/or remedial services deemed necessary, pursuant to Action Step 2.b.

**REPORTING REQUIREMENTS:** If the Student's parent re-enrolls the Student within 180 days of the District's letter sent pursuant to Action Step 1, by March 31, 2017, the District will submit to OCR documentation to demonstrate its implementation of Action Steps 1 through 3 above. The District will submit to OCR a copy of the letter sent to the Student's parent and documents supporting the Team's decisions. The documentation submitted shall include a copy of the Section 504 plan, communication with the parent, documentation showing the participants in the above meetings, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will review the documentation 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 August 31, 2017, 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). If the Student's parent did not accept the District's offer of compensatory education or remedial services, if any, pursuant to Action Step 4

above, the District will indicate so in its report to OCR and provide OCR with any documentation the District might have to demonstrate the parent(s)' lack of acceptance.

Alternatively, if the Student's parent does not re-enroll the Student in the District within 180 days of the District's certified letter sent pursuant to Item 1 above, the District will provide OCR with a statement to that effect and provide a copy of the certified letter by March 31, 2017. In such event, no further action in connection with Action Steps 2 through 4 will be required.<sup>1</sup>

**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, which was at issue in this investigation.

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, 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.

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/

9/16/16

\_\_\_\_\_  
Solon City School District  
Authorized Representative

\_\_\_\_\_  
Date

<sup>1</sup> OCR notes that if the Student enrolls in the District at any subsequent time, the District is required to evaluate the Student and provide the services necessary to meet the individual needs of the Student in order to ensure a FAPE.