

BENTON HARBOR AREA SCHOOLS
Resolution Agreement
OCR Docket #XX-XX-XXXX

Benton Harbor Area Schools (the District) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and 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 (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). This Agreement is voluntarily submitted by the District before the completion of OCR's investigation and any issuance of findings and does not constitute an admission that the District violated Section 504, Title II, and their respective implementing regulations. The District agrees to take the following actions:

1. By **April 15, 2021**, the District will convene a Section 504 team (the Team), consisting of persons knowledgeable about the Student, including the Student's parent (the parent), and determine what compensatory education and/or remedial services the Student requires to address the period of time from XXXXX to XXXXX, when the Student was not evaluated for a Section 504 plan. The Team will develop a written plan for providing the Student with compensatory education and/or remedial services. The plan will identify the nature and amount of the services to be provided at no cost to the parent, by whom, and when. The District may communicate with the parent using the most effective manner in addition to sending all correspondence (including a written invitation to the meeting) in writing to the parent's last known address. In the event that the parent is unable to attend, the District will provide the parent with a meaningful opportunity to provide input.
2. By **May 1, 2021**, the District will provide the parent with written notification of the Team's decisions regarding a Section 504 plan for the Student and compensatory education and/or remedial services. The District will also notify the parent in writing of XXXX procedural safeguards, including the right to challenge any decisions regarding the evaluation, placement, and compensatory education and/or remedial services through requesting an impartial due process hearing.

Reporting Requirements: By **May 1, 2021**, the District will provide OCR with documentation to demonstrate its implementation of Items 1 and 2 above, including: copies of correspondence with the parent and the Team's report from the Section 504 meeting showing when the Team met, who was present, what was discussed, the Team's decisions, and the bases for those decisions.

By **September 30, 2021**, 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, by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the 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 and obligations of the Agreement. Upon the District’s satisfaction of the terms and obligations of the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District’s representative below.

/s/

Benton Harbor Area Schools
Superintendent or Designee

Date