

Resolution Agreement
South Redford School District
OCR Docket #15-16-7342

The South Redford 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 45 days of signing this agreement, after providing proper notice to the Student's parent(s), the District will convene a group consisting of individuals knowledgeable about the Student—including the Student's parent(s)—to:
 - a. consider whether the District's interpretation and implementation of the "individual aide/adult support" provision stated in the supplementary aids and services section of the Student's Individualized Education Program (IEP) dated XXXX XX, 2016, resulted in a denial of FAPE from XXXX XX, 2016, through XXXX XX, 2016, during the 2016-2017 school year; and
 - b. determine whether any compensatory education and/or remedial services are necessary for the Student due to the District's interpretation and implementation of the "individual aide/adult support" provision of the Student's XXXX 2016 IEP.
2. If the team determines compensatory education and/or remedial services are necessary, within seven (7) calendar days of making its determination, the team will develop a written plan for providing timely compensatory education and/or remedial services to the Student. The plan will identify the nature and amount of services to be provided at no cost to the Student's parent; the individual(s) responsible for carrying out the applicable services; and the dates such services are to be provided. The District will provide the Student's parent(s) notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENTS:

1. By March 31, 2017, the District will submit to OCR documentation to demonstrate implementation of Action Step 1 above. Documentation shall include a list stating the names and titles of the group participants, a copy of any applicable meeting notes, and description and explanation of the information considered in making their determination. Documentation shall also include a description of and a schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will review the documentation prior to approving the District's decision and plan for providing the proposed services, to ensure that the District's process and determination meet the procedural requirements of Section 504.

2. By August 31, 2017, the District will provide to OCR documentation of the dates, times, and locations that compensatory education and/or remedial services (if any) were provided, a description of the services provided, and the identity of the service provider, pursuant to the requirements of Action Step 2 above.

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. Subpart E, which was 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. Subpart E.

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/

01/31/2017

Administrator or Designee

Date