

**Lapeer Community Schools
Resolution Agreement
OCR Docket #15-17-1040**

Lapeer Community Schools (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint alleging violation of 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:

1. By **April 9, 2018**, the District will, to the extent it has not already, revise its Section 504 Administrative Guidelines and Forms (the Procedures) to ensure that all staff who may have a role in the implementation of Section 504 plans will receive copies of the applicable students' Section 504 plans. The revised Procedures should address the following:
 - a. Identification of the District staff member (name and title) who will disseminate students' Section 504 plans to relevant staff and confirm that the relevant staff have received the Section 504 plans in a timely manner, as described below.
 - b. The timeframes and process by which the staff member identified in 1(a) above will distribute the Section 504 plans to relevant staff.
 - c. The timeframes and process by which the staff member identified in 1(a) above will confirm that the relevant staff have received and are implementing the Section 504 plans.
 - d. The foregoing timeframes and processes identified in 1(b) and 1(c) above should address the timely distribution of Section 504 plans for all students on Section 504 plans, whether identified as being on a Section 504 plan at the start of the school year or at any point thereafter (e.g., newly-identified students or newly-enrolled students with Section 504 plans).

REPORTING REQUIREMENT: By **April 9, 2018**, the District will submit for OCR's review and approval a copy of the Procedures revised consistent with Item 1.

2. Within 20 calendar days of OCR's approval of the District's revised Procedures, the District will implement the revised Procedures. The District will also post the revised Procedures in readily available location(s), and notify all District staff of the revision of the Procedures and the location(s) that the revised Procedures are available.

REPORTING REQUIREMENT: Within 30 calendar days of OCR's approval of the District's revised Procedures, the District will submit information to OCR documenting implementation of Item 2. The information should explain how, when and to whom the

District disseminated the revised Procedures, and include a copy of the revised Procedures and any correspondences the District sent to all staff regarding the revised Procedures.

3. Within 30 calendar days of OCR’s approval of the District’s revised Procedures, the District will draft and submit to OCR for review and approval a written memorandum to all building administrators, all special education director(s), all teachers, and all other staff/personnel (e.g., paraprofessionals, speech therapists, school nurses, social workers and/or counselors) who may have a role in the identification, evaluation, and placement of students that have, or are suspected of having, a disability under Section 504, or who may have a role in the implementation of Section 504 plans, to remind them of the following:
 - a. The Section 504 requirement that any decision regarding the identification, evaluation, or placement of a student under Section 504 shall be made by a team of individuals knowledgeable about the student, the meaning of the evaluation data, and the placement options;
 - b. The Section 504 requirement that the District conduct a periodic reevaluation of Section 504 plans;
 - c. The availability and location of the District’s Section 504 procedures;
 - d. The availability and location of the District’s disability grievance procedures which address complaints of discrimination, harassment, and retaliation; and
 - e. A list of resources available for staff if they have questions about Section 504 or their role in implementing students’ Section 504 plans.

REPORTING REQUIREMENT: Within 30 calendar days of OCR’s approval of the District’s revised Procedures, the District will submit for OCR’s review and approval the written memorandum drafted consistent with Item 3.

4. Within 30 calendar days of OCR’s approval of the District’s written memorandum pursuant to Item 3, the District will disseminate the written memorandum to all relevant district administrators and staff.

REPORTING REQUIREMENT: Within 30 calendar days of OCR’s approval of the District’s written memorandum, the District will submit information to OCR documenting implementation of Item 4. The information should include a copy of the written memorandum and explain how, when and to whom the District disseminated the written memorandum.

General Requirements

The District understands that, by signing this Agreement, it agrees to provide the foregoing 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. § 104.33. Upon completion of the obligations under this Agreement, OCR will close this case.

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.

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

/s/

3/6/18

Superintendent or Designee

Date