

RESOLUTION AGREEMENT
Northwest Local School District
OCR Docket #15-17-1190

Northwest Local 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. **By December 15, 2018**, the District will send the Student's parent a certified letter notifying the parent that, the District will, within 30 calendar days, reconvene the Student's Section 504 team (the Team), consisting of persons knowledgeable about the Student, inviting the Student and the Student's parent, to:
 - a. Determine whether the Student requires compensatory education or other remedial services, as a result of the following:

[xxx--- paragraphs redacted---xxx]
 - b. The District will also provide the Student's parent with a notice of the procedural safeguards available under 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing should the parent disagree.
2. Within 30 days of the Section 504 meeting, the District will provide the Student's parent with written notification of the Team's decisions regarding Action Step 1.a, above. If the team determines that the student requires compensatory education or remedial services, the notice will indicate that the Student's parent has 30 calendar days from the date of the written offer to inform the District of her acceptance or declination of the District's offer of compensatory education and/or remedial services.
3. If the Student's parent accepts the offer, the District will make the offered services available to the Student and the parent will have 180 days from the date of acceptance to take advantage of the compensatory education and/or remedial services deemed necessary, pursuant to Action Step 2.

Reporting Requirements: **By March 31, 2018**, the District will provide documentation to OCR, including a copy of the letter it sent to the Student's parent informing her of the team's determination regarding compensatory education for the Student, a copy of the notice of procedural safeguards provided to the parent, a copy of the dates, times and locations that compensatory and/or remedial services were offered, a description of what was offered, 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, 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.

4. **By June 1, 2018**, or within 90 days of OCR's approval of the District's proposed training materials, whichever occurs later, the District will provide training to all Colerain High School teachers and administrators, by a competent authority on Section 504, on the District's obligations to students with disabilities under Section 504. The training will include, but is not limited to the following topics: evaluation and placement (34 C.F.R. § 104.35), procedural safeguards (34 C.F.R. § 104.36), and the prohibition against discrimination on the basis of disability, specifically including disability-based harassment (34 C.F.R. § 104.4).

Reporting Requirement: **By January 31, 2018**, the District will submit for OCR's review and approval a copy of its proposed training materials to implement Action Step 4 of this Agreement, and the name(s), title(s), and qualifications of the proposed trainer(s). Only after OCR has approved the training materials, shall the District conduct the training identified in Action Step 4 of the Agreement. **By June 30, 2018, or within 30 days of the completed training, whichever occurs later**, the District will submit documentation demonstrating that it has completed the training identified in Action Step 4. The District's submission should include information showing the agenda for the training, the names and titles of the presenters, a copy of the training information used, and a copy of the sign-in sheets showing the name and title of all attendees.

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, and §104.4, which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR will close this complaint.

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/

12/11/17

Northwest Local School District
Authorized Representative

Date