

RESOLUTION AGREEMENT
Dearborn City School District
OCR Docket #15-17-1440

Dearborn City School District (the District) voluntarily 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 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35.

The District agrees to take the following actions:

Action Steps

1. By September 15, 2017, the District will convene the Student's Individualized Education Program (IEP) Team (the Team), including the Student's parent(s), to determine what, if any, compensatory education or other remedial services the Student requires from the adoption of the Student's Individualized Education Program (IEP) in XXXXXXXX through the close of the 2016-2017 school year. If compensatory education is determined appropriate and necessary, the Team will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom, and when, and will become part of the Student's IEP. The District will provide the Student's parent(s) with a meaningful opportunity to provide input into these determinations.
2. By September 22, 2017, the District will send notification to the Student's parent(s), in writing, of the Team's decisions regarding Action Step 1 above. The notification should include a detailed description of the outcome of the review, the nature and amount of compensatory education or remedial services to be provided, if any, including what services will be provided, where and how often the services will be provided, who will provide them and a notice that no cost will be incurred by the Student's parent(s). The District will also notify the Student's parent(s), in writing, of the procedural safeguards afforded them under Section 504, including the right to challenge the determinations regarding compensatory education services through an impartial due process hearing should they disagree. The notice will indicate that the Student's parent(s) have 20 calendar days from the date of receipt to inform the District of their acceptance of the District's offer of compensatory education or remedial services, if any.

REPORTING REQUIREMENT: By September 22, 2017, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1, including: (i) documentation showing when the Team met, who was present, what was discussed, the Team's decisions, and the bases for those decisions; (ii) copies of any meeting minutes; (iii) a copy of any plan developed for the Student; (iv) documentation of any input provided by the Student's parent(s) and showing that procedural safeguards were provided to the parent(s); (v) any other

documentation relevant to the determinations reached in accordance with Action Step 1; and (vi) a copy of the notification sent to the Student’s parent(s) pursuant to Action Step 2 and any response from the Student’s parent(s). Should the District determine that no compensatory education or other remedial services are necessary, the District will provide a written explanation of the reasons for its determinations, along with any supporting documentation. OCR will review the documentation submitted 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 its determinations.

3. By December 30, 2017, the District will provide any compensatory and/or remedial services deemed necessary pursuant to Action Step 1.

REPORTING REQUIREMENT: By January 20, 2018, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, if needed, a description of what was provided, and the name(s) and title(s) of the service provider(s). If the Student’s parent(s) did not accept the District’s offer of compensatory education or remedial services, if any, pursuant to Action Step 2, 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.

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/

8/23/17

Superintendent or Designee

Date