

**Resolution Agreement  
Constellation Schools Parma  
OCR Docket #15-18-1176**

Constellation Schools/Parma Community (the District) submits the following agreement (the Agreement) to the U.S. Department of Education's 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, as well as Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This Agreement does not constitute any admission of wrongdoing on the part of the District but reflects the District's willingness to voluntarily resolve the complaint allegation. The District agrees to take the following actions:

By September 15, 2018, the District will:

1. convene the Student's Section 504 Team (Team) and develop a Section 504 plan that details the disability-related services necessary to ensure that the District does not exclude the Student from participation in, deny her the benefits of, or otherwise discriminate on the basis of disability and that provides the Student with a free appropriate public education (FAPE) during the 2018-2019 school year;
2. in developing a Section 504 plan per Item 1 of the Agreement, consider all relevant information, including, but not limited to, documentation and information provided by the Student's parent(s). The Student's parent(s) will be provided a meaningful opportunity to provide input into any decisions. If the District determines, based on the facts and circumstances of the case, that a medical assessment is necessary to make appropriate evaluation and placement determinations consistent with 34 C.F.R. § 104.35, and the parents do not provide the information or grant the District access to necessary medical information from the Student's treating physician, then the District will ensure that the Student receives this assessment at no cost to the parents after obtaining parental consent for the assessment. The team will ensure the plan requires that related services are provided by District personnel and/or persons contracted by the District to provide the services and that, XXXX X XXXXXX XXXXXX XX XXXX, the District does not rely on the Student's parent(s) to provide services or to supervise their provision; and
3. provide the Student's parent(s) with written notice of any determinations made at the meeting held per Items 1 and 2 above, along with a copy of the Section 504 plan developed and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENT:** By September 30, 2018, the District will provide OCR with documentation demonstrating its compliance with Action Steps 1 - 3 above, including a list of who attended the Section 504 team meeting (names and any titles); documentation regarding what was discussed at the meeting; documentation regarding what information

was considered at the meeting and the determinations made at the meeting; and a copy of the revised Section 504 plan. 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 these determinations. The District shall also provide documentation that it notified the Student’s parent(s) in writing of the Section 504 team’s determinations and provided them with a copy of the revised Section 504 plan. The District will also provide OCR with documentation showing that it provided the Student’s parents with notice of their procedural safeguards.

**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 recipient, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

6/13/2018

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Superintendent or Designee

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Date