

RESOLUTION AGREEMENT
Detroit Public Schools Community District
OCR Docket #15-19-1053

The Detroit Public Schools Community District (the District) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and to ensure its compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.* (Title II), and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the following action steps:

Action Item 1

By June 1, 2019, the District will convene the Student's Individualized Education Program (IEP) team to determine what compensatory education and/or other remedial services the Student requires for the time period XXXXX X XXXX to XXXXX XX XXXX, when the Student was not receiving services pursuant to an IEP. The Student's parent(s) will be invited to participate and, whether able to attend or not, will be given a meaningful opportunity to provide input. In making the determination, the IEP team will consider the Student's evaluation data, including but not limited to information on pages 3 and 4 of the Student's XXXXX X XXXX IEP. The group will develop a written plan for providing the Student with the compensatory education and/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) notice of the determinations made, 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 Requirements

By June 1, 2019, the District will submit to OCR documentation showing implementation of Action Item 1 above, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parent(s) and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Action Item 1 above. 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.

Within 30 days after all compensatory education has been provided to the Student, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education and/or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

General Requirements

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution 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 proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

4/16/2019

Superintendent or Designee

Date