

RESOLUTION AGREEMENT
Northville Public Schools
OCR Docket Nos. 15-18-1384 and 15-19-1206

Northville Public Schools (the District) voluntarily submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaints, which allege a 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. By submitting this Agreement, the District does not admit any legal violations, nor has OCR established any legal violations.

The District agrees to take the following actions:

1. By **April 1, 2019**, the District will disseminate a written memorandum to all teachers, counselor(s), staff, and other individuals who may have a role in the implementation of the Student's¹ Section 504 plan(s) to remind them of the importance of implementing all accommodations and/or services to the Student as written in the Student's Section 504 plan(s).

REPORTING REQUIREMENT: By **April 15, 2019**, the District will submit OCR with documentation that shows implementation of Action Item 1 of the Agreement. Documentation should include a copy of the written memorandum and explain how, when and to whom the District disseminated such memorandum.

2. By **XXXXXXXXXX**, the District will convene the Student's Section 504 team (the Team), to determine whether compensatory education or other remedial services for the Student is required for the period from **XXXXXXXXXX**, to date, for any failure to fully implement the Student's Section 504 plans dated **XXXXXXXXXX**, and **XXXXXXXXXX**, regarding the accommodations and/or services identified in OCR's **XXXXXXXXXX**, and **XXXXXXXXXX**, notifications to the District. The Student's parents and the Student will be invited to participate and, whether able to attend or not, will be given a meaningful opportunity to provide input. The Team will develop a written plan for providing the Student with compensatory education or other remedial services, if deemed necessary. Any such plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when, and will become part of the Student's Section 504 plan. The Team may, at the same time, amend or modify the Student's current Section 504 Plan based on current data, input from District staff, and input from the Student and/or her parents.
3. By **XXXXXXXXXX**, the District will send notification to the Student's parents, in writing, of the Team's decision(s) regarding Action Step 2 above. The notification should include a 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

¹ The student identified in OCR docket ##15-18-1384 and 15-19-1206.

provide the services, and a notice that no cost will be incurred by the Student's parents. The District will also notify the Student's parents, in writing, of the procedural safeguards afforded them under the Section 504 implementing regulation at 34 C.F.R. § 104.36, including their right to challenge the determinations regarding compensatory education or remedial 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 the receipt to inform the District of their acceptance of the District's offer of compensatory education or remedial services, if any.

REPORTING REQUIREMENTS: By **XXXXXXXXXX**, the District will submit to OCR documentation showing implementation of Action Steps 2 and 3 above, including (i) documentation showing when the Team met, who was present, what was discussed, the Team's decision(s), and the bases for such decision(s); (ii) copies of any meeting minutes; (iii) a copy of any plan developed for the Student; (iv) documentation of any input provided by or on behalf of the Student and/or her 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 2; and (vi) a copy of the notification sent to the Student's parent(s) pursuant to Action Step 3 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.

4. By **XXXXXXXXXX**, the District will provide any compensatory education and/or remedial services deemed necessary pursuant to Action Step 2.

REPORTING REQUIREMENT: By **XXXXXXXXXX**, the District will provide documentation to OCR of the dates, times and locations that compensatory education and/or remedial services were provided, a description of what was provided, and the name(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 3, 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. If the Team determines pursuant to Action Step 2 that no compensatory education and/or other remedial services are necessary for the Student, the District is not required to take any action under Action Step 4.

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.

The Agreement will become effective immediately upon the signature of the District's representative below.

/s/

March 12, 2019

Northville Public Schools
Superintendent or Designee

Date