

Madison-Plains Local School District
Resolution Agreement
OCR Docket #15-22-1039

Madison-Plains Local School District (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring 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, 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.

The District agrees to take the following actions:

1. By **[redacted]**, the District will send a letter to the Student's parent(s) notifying them that the District will, by **[redacted]**, convene the Student's IEP team, including Student's parent(s) (the Team), to determine the compensatory education or other remedial services appropriate to address the District's implementation of the Student's IEP during the **[redacted]** school year, with respect to the District's alleged denial or inability to provide the Student with a free appropriate public education as alleged in this complaint. The letter will indicate that the Team will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary by the team, 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 team will also determine any adjustments the Student needs to her IEP to reflect all her current needs, conduct reevaluation of the Student, if appropriate, and revise her IEP accordingly. The District will provide the Student's parent(s) with a meaningful opportunity to provide input into the Team's determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including the right to challenge the Team's determinations through an impartial due process hearing should they disagree.

Reporting Requirements:

- By **November 1, 2022**, the District will provide documentation to OCR showing that it has provided the Student's parent(s) with notice pursuant to Item 1, above, including a copy of the letter sent to the Student's parent(s).
- By **November 25, 2022**, the District will provide documentation to OCR of any Team meeting and follow-up activities and plans necessary to implement any determinations made as required in 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 the parent(s), and any other documentation relevant to the determinations reached. If the District determined that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation, such as service logs for the time in question. 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.

- By **June 30, 2023**, the District will provide documentation to OCR showing that the District provided any compensatory education and/or remedial services deemed necessary pursuant to Item 1. Documentation should include 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 Team determines pursuant to Item 1 that no compensatory education and/or remedial services are necessary for the Student, the District is not required to take any action under this reporting requirement.

General Requirements

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

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

/s/

Superintendent or Designee

October 6, 2022

Date