

**Resolution Agreement
Benzie County Central Schools
OCR Docket # 15-22-1103**

Benzie County Central Schools (the District) voluntarily enters into this agreement (Agreement) to resolve the allegation in the above-referenced complaint filed with the U.S. Department of Education's Office for Civil Rights (OCR), and to ensure the District's compliance with the requirements 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, which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

The District agrees to take the following actions:

1. Individual Remedy

By **June 13, 2022**, the District will convene a group of persons knowledgeable about the Student, the evaluation data, and the placement options, the Section 504 Team, including the Student's parent(s), to determine what compensatory education or other remedial services the Student requires for the time period the Student did not receive XXXXX XXXXX XXXXX XXXXX XXXXX. The group 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 Section 504 plan. The District will provide the Student's parent(s) with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to the parent(s) under 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing should the parent(s) disagree.

REPORTING REQUIREMENT: By **June 13, 2022**, the District will submit to OCR documentation showing implementation of 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 in accordance with Item # above. 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. 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 **July 18, 2022**, the District will provide documentation to OCR of the dates, times, and locations that any compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

2. District-wide Remedy

By **August 31, 2022**, the District will provide training by a competent authority on Section 504 on the District’s obligations to students with disabilities under Section 504 and on the District’s Section 504 procedures to all District administrators, teachers, and staff at the District’s Middle School. The training should include, but not be limited to, the requirement of the District to implement accommodations as outlined in student’s Section 504 Plan or similar plans.

REPORTING REQUIREMENT: By **August 31, 2022**, the District will provide OCR with the date(s) of the training(s); a copy of the training agenda and training materials used; the name, title, and qualifications of the person(s) who provided the training(s); and sign-in sheets showing the names and job titles of all persons who attended the training.

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

05-19-2022

Date