

**Toledo Public Schools
Resolution Agreement
OCR Docket #15-22-1576**

Toledo Public Schools (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 **June 1, 2023**, the District will convene a team meeting that includes all required members of the Student’s Section 504 team, including the Student’s parent(s), to determine what, if any, compensatory education or other remedial services the Student requires for the time during which the District learned of the Student’s diagnosis
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XXXXX XXXXX XXXXX XXXXX. The team will develop a written plan for providing the Student with any compensatory education or other remedial services deemed necessary; the 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 District will provide the Student’s parent(s) with a meaningful opportunity to provide input into these determinations, written 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 Requirements:

By **June 9, 2023**, 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 1 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.

If the team determined that compensatory education or other remedial services are necessary, by **October 16, 2023**, 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. The District will provide training by a competent authority on Section 504 and Title II on the District’s obligations to students with disabilities under Section 504 and Title II. The District will provide this training to, at a minimum, any staff at the XXXXX XXXXX XXXXX School with responsibility for evaluating and determining the placement of students under Section 504. The training will specifically include the following information: (i) the district’s obligation to evaluate a student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the student’s initial placement or any subsequent significant change in placement under 34 C.F.R. § 104.35(a); (ii) the procedures for evaluation, placement, and reevaluation required by 34 C.F.R. § 104.35(b), (c), and (d); and (iii) the provision of procedural safeguards required by 34 C.F.R. § 104.36.

Reporting Requirement: By **September 1, 2023**, the District will provide OCR with documentation showing that Item 3 has been implemented. The documentation will include information about the date(s) of the training(s), copies of the agenda and any training materials distributed, and a copy of the sign-in sheets of attendees, indicating name and job title.

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, which were at issue in this complaint.

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

/s/

03/20/2023

Superintendent or Designee

Date