

RESOLUTION AGREEMENT
Dearborn Public Schools
OCR Docket No. 15-23-1006

Dearborn Public Schools (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure its 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. This agreement is being voluntarily submitted by the District before the completion of OCR's investigation and any issuance of findings. Pursuant to the agreement, the District agrees to take the following steps:

INDIVIDUAL REMEDIES

1. Within three school days of signing the Resolution Agreement, the District will send a letter to the parent(s) of the student (the Student) identified in OCR Docket # 15-23-1006 via certified postal mail and e-mail [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] within **15 calendar days** of receiving the letter. [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content], [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content], the District will convene a team of individuals knowledgeable about the Student, including the parent(s), to review the Student's evaluation data, any plans developed for the Student including any IEP, behavior plan, etc., and placement options for the purpose of determining if any compensatory education services are required.
 - A. If the parent(s) [redacted content] [redacted content] [redacted content], the team will:
 1. determine whether any compensatory education services are necessary for the Student [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content] [redacted content]; and if the team determines compensatory education and/or remedial services are necessary, then within seven school days of making its determination, the team will develop a written plan for providing timely compensatory education and/or remedial services to the Student. The Plan will identify the nature and amount of services to be provided at no cost to the Student's parent(s), the individual(s) responsible for providing the applicable services, and the dates such services are to be provided. The District will provide a copy of the plan to the Student's parent(s); and
 2. **Within 7 school days** of the team meeting referenced above, and any subsequent meeting to determine services, supports or program modifications and any

compensatory education deemed necessary, the District will provide the Student's parent(s) with notice of their procedural safeguards, in accordance with 34. C.F.R. § 104.36 regarding, the team's decisions with respect to the evaluation and placement of the Student, the Student's need for compensatory education, and any plan for the provision of compensatory education services, including their right to challenge the team's determinations through an impartial due process hearing.

- B. If the Student's parents inform the District [redacted content] within 15-days of receiving the certified letter, the District is not required to complete the remaining items outlined in Action Step I A.(1-2) of the Agreement and its corresponding reporting requirements outlined.

REPORTING REQUIREMENT

1. By **October 5, 2023**, the District will provide OCR with a copy of the certified letter [redacted content], and evidence showing the method of delivery **and** any response from the Student's parent(s). If the parents do not respond, the District will notify OCR.
2. If the parent(s) [redacted content] [redacted content] [redacted content], by **October 19, 2023**, the District will submit to OCR:
 - a. a copy of any meeting minutes or notes, and a copy of any supporting documentation that the District relied upon in making its determination regarding placement and services, including the need for any compensatory education and/or remedial services;
 - b. a copy of any plan developed for the Student;
 - c. documentation of any input the Student's parent(s) provided when the evaluation team convened;
 - d. documentation showing the District provided the Student's parent(s) with notice of any determinations the evaluation team made;
 - e. documentation showing that the District provided procedural safeguards to the Student's parent(s), and
 - f. documentation related to any challenge the Student's parents made to the determinations made.
3. If the District's evaluation team determines that no compensatory education and/or other remedial services are necessary, by **October 20, 2023**, the District will submit to OCR 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 the determinations.

4. If the District's evaluation team determines that compensatory education and/or other remedial services are necessary, by **November 20, 2023**, the District will provide OCR with documentation of:
 - a. the dates, times, and locations that any compensatory education and/or other remedial services were provided to the Student;
 - b. the amount of compensatory education/remedial services provided at each date and time; and
 - c. the name(s) and title(s) of the instruction/service provider(s).

DISTRICT-WIDE REMEDIES

The District will provide the teachers, nurses and administrators with training, by a competent authority, on Section 504 and Title II. The training will cover, at a minimum, Section 504 and Title II's prohibition against disability discrimination and the District's obligation to provide students with disabilities with a free and appropriate public education (FAPE) in accordance with the Section 504 regulation at 34 C.F.R. § 104.33. The training will emphasize the District's obligation to provide FAPE to students with food allergy disabilities, the types of services necessary to provide these students with FAPE, and the importance of fully implementing these students' education plans (e.g., Section 504 plans) in order to ensure they receive a FAPE. The training will also provide notice to teachers, nurses and administrators that when a student with a food allergy is enrolled at a District building, staff working with that student need to be trained thoroughly and promptly, so there is minimal time between enrollment and when staff are fully trained.

REPORTING REQUIREMENT

1. By **October 20, 2023**, the District will submit for OCR's review and approval a copy of the training materials it intends to use, along with the name and qualifications of the proposed trainer demonstrating that he/she is a competent authority on Section 504 and Title II.
2. After OCR's approval of the training materials and trainer qualifications, and by no later than **November 24, 2023**, the District will provide OCR with documentation showing that it provided staff training. The documentation will include 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 their names and job titles.

GENERAL REQUIREMENTS

The District understands that, by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement.

Further, the District understands that during the monitoring of this agreement, 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 fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.61 and the Title II implementing regulation at 28 C.F.R. § 35.134. Upon completion of the obligations under this Agreement, OCR shall close this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

09/19/2023

Superintendent or Designee

Date