

Resolution Agreement
West Bloomfield School District
OCR Docket No. 15-13-1338

West Bloomfield School District (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 et seq., and its implementing regulations at 28 C.F.R Part 35. This Agreement is being voluntarily submitted by the District under Section 302 of OCR's *Case Processing Manual* and before the completion of OCR's investigation and any issuance of findings.

By entering into this Agreement, the District does not make an admission that it or any of its staff or agents violated any District, state or federal statute, rule, policy or regulation. Rather, the District's decision to enter into this Agreement is indicative of its desire to compromise and amicably resolve the allegations raised in the complaint. The agreement is in no way intended to be, nor should it be construed as, an admission by the District or finding by OCR that the District, its staff or its agents engaged in any discrimination or other unlawful conduct. The District agrees to do the following:

Individual Remedies

1. By February 12, 2014, appropriate District staff will review and revise the Student's "XXXXXXXXXXXXXXXX Plan" (the XXX) generally and specifically with regard to the Student's transportation to and from school, and revise the XXX, as necessary, in an effort to ensure that the Student and the alleged harassing student are separated or under close supervision to prevent further harassing behaviors or interaction between the two students during school hours and while in attendance and/or at school (including District-provided transportation to and from school). The Student's parent(s) will be provided an opportunity for input into the revised XXX.
2. By February 18, 2014, the District will send the Student's parent(s) the revised XXX or, if no revisions are necessary, with a copy of the XXX adopted by the District after an opportunity for parent input.

REPORTING REQUIREMENT: By March 28, 2014, the District will provide OCR with documentation that it has complied with Items 1 and 2 above, including a copy of the XXX.

3. By March 7, 2014, the District will convene the Student's Individualized Education Program (IEP) team (the Team) to:
 - a. determine whether compensatory education services are necessary to compensate the Student for any instruction he may have missed, from XXXXX XX, XXXX through the date of the IEP meeting required in this paragraph, as a result of the Student switching rooms for certain classes and other students in his grade level are not; if the Team determines that compensatory education services are necessary, the Team will then determine the amount and type of compensatory

education services necessary to compensate the Student; the compensatory education services will then be provided at no cost to the Student's parent(s); and

- b. determine whether the Student requires any additional services (e.g. counseling, therapy) as a result of the alleged disability harassment while in attendance at school (including District-provided transportation to and from school) or at a school function during the 2012-2013 school year and to ensure that the Student is/was not excluded, on the basis of disability, from participation in, denied the benefits of, or subjected to discrimination in District education programs or activities in violation of Section 504 and Title II; if the Team determines that additional services are necessary, the Team will then determine the amount and type of the services necessary to compensate the Student; the additional services will then be provided at no cost to the Student's parent(s).

The Student's parent(s) will be invited to participate and provide input into the determinations listed above and, in the event that the Student's parent(s) is unable to attend, the District will provide the Student's parent(s) with a meaningful opportunity to provide input. The District will ensure that the IEP Team is provided with a copy of the Student's XXX and provided with other information considered during the review and revision of the XXX pursuant to Item 1 above.

4. By March 18, 2014, the District will send notification to the Student's parent(s), in writing, of the Team's decisions regarding the matters listed in Item 3. The notification should include a detailed description of the compensatory education services to be provided, if any, including (a) what services will be provided, (b) where and how often the services will be provided, and who will provide them, and (c) any additional services as further described in Item 3(b) to be provided to the Student as a result of the IEP team meeting. The District will also notify the Student's parent(s), in writing, of their procedural safeguards to challenge the determination regarding compensatory education services through an impartial due process hearing.

REPORTING REQUIREMENT: By March 28, 2014, the District will provide OCR with documentation that it has complied with Items 3 and 4 above, including a copy of the invitation to the Student's parent(s) regarding the Team meeting and a description of what was discussed and determined at the meeting, and including a copy of the notification to the Student's parent(s).

District Remedies

5. By March 28, 2014, the District will develop and submit to OCR for review a Section 504/Title II grievance procedure to comply with the requirements of the Section 504 regulation at 34 C.F.R. § 104.7(b) and the Title II regulation at 28 C.F.R. § 35.107(b). The grievance procedure will incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or Title II, including disability-based harassment. At a minimum, the grievance procedure will include:

- a. notice of the name and/or position title, office address, telephone number, and email address for individual(s) designated to ensure the District's compliance with Section 504 and Title II;
- b. notice to students, parents, and employees of the procedure for filing a complaint, including how, where, and with whom complaints may be filed;
- c. notice that the procedure applies to complaints of disability discrimination (including harassment) raised against employees, students, or third parties;
- d. adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
- e. designated and reasonably prompt timeframes for the major stages of the complaint process;
- f. written notification to the parties of the outcome of the investigation;
- g. an assurance that the District will take steps to prevent recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate;
- h. contain a prohibition against retaliation which prohibits the School or others from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504 or Title II or because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under those laws; and
- i. current contact information for the Office for Civil Rights (Office for Civil Rights, U.S. Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115, Telephone: (216) 522-4970, Facsimile: (216) 522-2573, Email: OCR.Cleveland@ed.gov).

REPORTING REQUIREMENT: By March 28, 2014, the District will submit to OCR for review its Section 504/Title II grievance procedure.

6. Within 60 calendar days of receipt of the OCR-approved grievance procedure, the District will adopt and implement the procedure. The District will also notify all parents, students, and employees of the revised procedure and will post the procedure on its website. The notification shall occur by written correspondence, email, or both, and shall provide information of where the grievance procedure is located on its website and, alternatively, where an individual may request or obtain a written copy of the procedure. The District will further certify that it has reviewed all of its existing policies and procedures that cover disability-based harassment (e.g., the District's policy on bullying and the Student Code of Conduct) to ensure that they are consistent, or, to the extent necessary, withdrawn, so as to eliminate confusion for students and staff.

REPORTING REQUIREMENT: Within 60 calendar days of receipt of the OCR-approved grievance procedure, the District will submit information to OCR documenting the implementation of Item 4, including copies of the written notification issued to parents, students, and employees and the link to the procedures on District’s website.

7. Within 60 calendar days of receipt of the OCR-approved grievance procedure or by September 30, 2014, whichever is later, the District will provide training to all District administrators, teachers, and bus drivers regarding disability-based harassment. The training will address, specifically, the responsibility of staff to report incidents of possible harassment and the procedures for doing so and will provide instruction on how to recognize and take steps reasonably designed to prevent and respond appropriately to such harassment. The training will further review the content of the District’s Section 504/Title II grievance procedures. This training will be conducted by a person knowledgeable about these subjects. In implementing this paragraph, the District may use technology and/or alternative training modes to provide the training, as long as the content meets the requirements of this paragraph and as long as the technology and/or alternative training modes selected are capable of creating documentation of the content of the training, the names of the individuals trained and the dates that the training occurred.

REPORTING REQUIREMENT: Within 30 calendar days of the completion of all training in the timeframe specified under Item 7, the District will provide documentation to OCR to verify its implementation of Item 7. Specifically, the District will provide verification of the staff who received the training, a list of any staff who did not participate in the training, a description of the qualifications of the presenter(s), outlines of the topics covered in the training, and any materials distributed during the training.

GENERAL REQUIREMENTS

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 et seq., and its implementing regulations at 28 C.F.R Part 35, which were at issue in this case.

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, 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 of this agreement and is in compliance with Section 504 and Title II.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or designee

1/17/2014
Date