

**Resolution Agreement  
Brighton Area Schools  
OCR Docket #15-14-1005**

The Brighton Area Schools (the District) submits this Resolution Agreement to the U.S. Department of Education's Office for Civil Rights (OCR), to resolve the above-referenced complaint and 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 regulation at 28 C.F.R. Part 35, as amended by the ADA Amendments Act of 2008 (ADAAA). This Agreement is 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; accordingly, the District agrees to do the following:

**ACTION STEPS – Individual Remedies**

1. By XXX XX, XXXX, the District will convene XXXXXX XXXXXXXX'X (the Student) Section 504 or Individualized Education Program (IEP) team (Team), including the Student's parent(s) for the Student to determine whether, beginning on XXXXXXXX XX, XXXX, and at any subsequent time during the XXXX-XXXX school year, the Student had a mental or physical impairment that substantially limited one or more major life activities, and whether, as a result of such mental or physical impairment, she was entitled to receive a free appropriate public education (FAPE) under Section 504. Should the Team determine that the Student would have been eligible for services under Section 504, the Team will then take the following actions:
  - a. Determine what, if any, compensatory education or other remedial services the Student requires for the time period from XXXXXXXX XX, XXXX, to the present, when the District had not evaluated the Student to determine whether she was a qualified individual with a disability under Section 504 and did not provide her with FAPE.
  - b. Develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Item 1(a) above, 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 [or IEP]. The District will invite the Student's parent(s) to participate in the Team meetings, and in the event that the Student's parent(s) is/are unable to attend, the District will provide the Student's parent(s) with a meaningful opportunity to provide input, written notice of any determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENTS:** By June 6, 2014, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1 above, including: documentation showing when the Team met, who was present, what was discussed, the Team's decisions, and the bases for those decisions, copies 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 them, and any other documentation relevant to the determinations reached in accordance with Action Item 1 above. Should the District determine that either the Student was not eligible for services under Section 504 or that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for those determinations, 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 June 30, 2015, if the Team determined compensatory education was necessary, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education, including the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

#### **ACTION STEPS – Section 504 Notice and Training**

2. By May 23, 2014, the District will notify students, parents, and guardians of the District's Section 504 policies and procedures, including procedural safeguards, and where a copy may be obtained by means that are designed to reach each student, parent, and guardian. Such means could include placing a notification in any regularly issued District newsletters or bulletins or sending a notice or a copy of the policies and procedures home with each student.
3. By December 5, 2014, the District will provide training by a competent authority on Section 504 on the District's obligations to students with disabilities under Section 504 to the District's Section 504 coordinator and all XXXXXXXX XXXXXXXXXXXX XXXXXXXX administrators, teachers and any other staff who have a role in the identification, evaluation, and placement of students that have, or are suspected of having, a disability under Section 504.

**REPORTING REQUIREMENTS:** By December 19, 2014, the District will submit information to OCR documenting implementation of Action Steps 2 and 3 above, including: a description of the means used to provide notice to students, parents, and guardians of the District's Section 504 policies and procedures, including procedural safeguards, and copies of any notices issued; the date(s) of the training(s); a copy of the training agenda; copies of 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 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 the regulations implementing Section 504 at 34 C.F.R. Subpart D and Title II at 28 C.F.R. § 35.130(a), 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 its implementing regulation at 34 C.F.R. Subpart D and Title II and its implementing regulation at 28 C.F.R. § 35.130(a).

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.

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date