

**Resolution Agreement
Southfield Public Schools
OCR Docket #15-14-1071**

Southfield Public Schools (the District) voluntarily submits this Resolution Agreement to the U.S. Department of Education's Office for Civil Rights (OCR) for the purpose of ensuring 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, and to resolve the above-reference complaint. Accordingly, the District agrees to take the following actions:

Action Steps

A. Individual Remedies

1. By June 2, 2014, the District will convene the Section 504 or Individualized Education Program team (Team) to conduct a manifestation determination review to determine whether the Student's xxxxxxxx xxxxxxxx xxxxxxxx xxx xxxxx xxx xxxxxxxx xxx xxxxx conduct that resulted in the District taking disciplinary action was a manifestation of the Student's disability. If the District determines that the conduct was a manifestation of the Student's disability, within seven days of the manifestation determination review the District will convene the Team to determine whether compensatory education or other remedial services are necessary for the period of time the Student was suspended for the xxxxxxxx xx xxx xxxxxxxx xx conduct. The Student's xxxxxxxx will be invited to participate in the manifestation determination review and the IEP meeting and, if she is unable to attend, will be given a meaningful opportunity to provide input before any final decisions are made. Should the IEP team determine that compensatory education or other remedial services are necessary, the District will draft a written plan for the provision of the compensatory education services and provide the parent with notice of the decisions and of her right to challenge them through an impartial due process hearing should she disagree. The District will then provide the compensatory education services to the Student, at no cost to the Student's parent.

REPORTING REQUIREMENTS: By June 30, 2014, the District will provide OCR with documentation verifying its implementation of Item A.1 above and showing when the Team met, who was present, what was discussed, the Team's decisions and the bases for those decisions, including any records created at the manifestation determination review and due process documents provided to the parent. If the Student's conduct was determined to be a manifestation of his disability, please provide: the invitation to the IEP meeting sent to the Student's parent; all documents considered and produced at the IEP meeting showing the date the IEP team met, the participants by name and title, the compensatory services agreed upon, and the plan for the provision of the compensatory services; and the notice issued to the Student's parent of the determinations made at the IEP meeting and her procedural safeguards. By September 1, 2014, the District will

provide OCR with documentation verifying that it has provided the Student the compensatory education services if determined necessary.

B. Training for Southfield-Lathrup High School Special Education Staff

By September 1, 2014, the District will provide training to the Southfield-Lathrup High School administrators and special education staff on the general requirements of Section 504 and Title II concerning the identification, evaluation, discipline, and placement of students with disabilities, including the definition of disability under Section 504 and Title II.

REPORTING REQUIREMENT: By September 8, 2014, the District will submit to OCR information documenting the date(s) of the training(s), the identity and qualifications of each person delivering the training(s), and the name and job title of all persons who attended the training(s); and a copy of any presentation or other handouts used for the training.

General Requirements

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33 and 104.35, which were at issue in this case.

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 and its implementing regulation at 34 C.F.R. §§ 104.33 and 104.35.

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

08/04/14

Date