

**Toledo Public Schools
Resolution Agreement
OCR Docket #15-16-1157**

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 alleging violation of 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 October 15, 2016, the District will send a letter to the Student's parents advising them that, if the Student enrolls in the District for the 2016-2017 school year, the District will convene the Student's Individualized Education Program (IEP) team, including the Student's parent(s), relevant teachers, the school nurse, and any other relevant and/or required District staff (the Team), within 15 school days of the Student's enrollment to ensure the Student's IEP meets the requirements of Section 504.

REPORTING REQUIREMENT: By **October 31, 2016**, the District will provide to OCR documentation of implementation of Item #1 above, including a copy of the letter sent to the Student's parents.

2. Within 15 school days of the Student's enrollment during the 2016-2017 school year, after providing proper written notice to the Student's parents, the District will convene the Team to review and revise the Student's IEP and, during the process:
 - a. ensure that the Student's parents are provided a meaningful opportunity to provide input into the placement decisions prior to any final decisions being made;
 - b. determine whether any re-evaluations of the Student are needed; the Team should specifically consider the Student's school placement and his needs with respect to his asthma; if the Team determines that re-evaluation is needed, the Team should arrange for the evaluation(s) to occur within 45 days of the Student's enrollment; and
 - c. identify in writing the regular or special education and related aids and services necessary to meet the Student's individual educational needs and to ensure the provision of a free appropriate public education (FAPE);
3. If the Team determines, pursuant to Item #2, that re-evaluation of the Student is needed, within 60 days of the Student's enrollment during the 2016-2017 school year, and after providing proper written notice to the Student's parents, the Team will meet to:
 - a. review all evaluations completed as a result of determinations in Item #2(b) above;

- b. revise the Student’s IEP to the extent necessary to incorporate information from any newly conducted evaluations; and
- c. identify in writing the regular or special education and related aids and services necessary to meet the Student’s individual educational needs and to ensure the provision of FAPE.

REPORTING REQUIREMENT: Within 120 days of the Student’s enrollment in the District during the 2016-2017 school year, the District will provide to OCR documentation of the implementation of Items #2 and #3, including (a) a copy of the notice(s) to the Student’s parents, (b) the Student’s IEP and any other related plans to address the Student’s asthma, (c) documentation showing the participants in the meeting(s), (d) an explanation for decisions made, (e) the information considered, (f) meeting notes, and (e) any other documentation relevant to the determinations reached in accordance with Items #2 and #3. OCR will review the documentation 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. If the Student does not enroll in the District during the 2016-2017 school year, the District will provide OCR a statement indicating such by **July 1, 2017**.

- 4. By October 15, 2016, the District will draft, for OCR approval, a memorandum to all District personnel involved in evaluating and placing students with disabilities at Old West End Academy (OWE) (to include, at a minimum, the school principal and the District special education staff) that informs personnel that (a) students with disabilities are to be afforded an equal opportunity to attend OWE as students without disabilities and otherwise qualified students with disabilities may not be excluded or discouraged from attending OWE due to their need for special education services or auxiliary aids or other services, (b) students with disabilities are entitled to receive a FAPE, and (c) when a student with a disability is enrolled in OWE, and periodically thereafter consistent with Section 504, the District will convene an IEP and/or Section 504 team meeting to make an individualized determination as to what services the student requires for a FAPE, whether the student can educationally benefit from the program offered at OWE and, if so, what steps need to be taken to provide the student with FAPE at OWE.

REPORTING REQUIREMENT: By **October 31, 2016**, the District will submit the memorandum drafted pursuant to Item #4 to OCR for review and approval.

- 5. Within 30 days of OCR’s approval of the memorandum drafted pursuant to Item #4, the District will issue the memorandum to the relevant personnel.

REPORTING REQUIREMENT: Within 30 days of OCR’s approval of the memorandum drafted pursuant to Item #4, the District will submit documentation to OCR demonstrating its compliance with Item #5.

- 6. The District will provide OCR with the following information for the second half of the 2015-2016 school year and the entire 2016-2017 school year: (1) a list of all students with disabilities who applied for enrollment at OWE during the requisite time period; (2) a list and

a summary of the IEP and/or Section 504 team meetings held for each of the students; (3) the school to which each student was assigned for the requisite school year; and (4) for any students with disabilities who applied for admission but were not accepted to and/or placed at OWE for the requisite school year, an explanation for those admissions and/or placement decisions.

REPORTING REQUIREMENTS: By **October 31, 2016**, the District will provide OCR with documentation for the second half of the 2015-2016 school year. By **June 30, 2017**, the District will provide OCR with documentation for the 2016-2017 school year.

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 and its implementing regulation at 34 C.F.R. § 104.33 and 104.35, which were at issue in this complaint.

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 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.

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/

09/14/2016

Superintendent or Designee

Date