

**RESOLUTION AGREEMENT  
BIRMINGHAM PUBLIC SCHOOLS  
OCR DOCKET NO.: 15-09-1233**

---

Birmingham Public Schools (the School District) submits the following Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the School District's 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. Accordingly, the School District agrees to take the following actions:

Individual Remedies

1. By January 29, 2010, the District will reimburse Renee Boogren (the complainant) the sum of \$57.00 for out-of-pocket expenses incurred by her son for attendance to the School District's seventh and eighth grade field trip to Cedar Point in June 2009, which includes the cost to the complainant of hiring a paraprofessional to accompany him, the cost of the paraprofessional's entrance fee, and any additional costs related to the field trip that the complainant incurred but that parents or guardians of non-disabled students did not incur.
2. By February 15, 2010, the student's individualized education program team (IEP Team), which will include the parent(s) or guardian(s) of the student, will be convened to determine what compensatory education is necessary to supplement the educational instruction the student received during the 2008-2009 school year. At a minimum, the District will offer a specific number of hours of compensatory education to the student regarding the use of assistive technology, such as a "boot camp" or other training on the use of the student's alternative augmentative communication device. The number of hours of compensatory education needed by the student will be determined by the IEP team. The School District will provide the parents of the student specific notice of their right to challenge the determination of the IEP team through procedural safeguards. The compensatory education determined necessary by the IEP team will be provided and documented as having been provided by the end of the 2010-2011 school year.

Procedural Remedies

3. By February 1, 2010, the District will develop a policy and procedure for obtaining substitute teachers for its special education classes that requires either that employees or contract workers hired to substitute for special education teachers for a period of five (5) consecutive school days or more have special education certification or receive the training necessary to ensure that the individual educational needs of disabled students are met to the same extent as the needs of nondisabled students, to ensure District compliance with Section 104.33(b). The plan will include developing a protocol to ensure that substitute teachers are knowledgeable about and can implement the provisions



of Section 504 Plans and Individual Education Programs (IEPs).

4. By February 1, 2010, the District will revise its field trip regulations to ensure compliance with Section 104.33 and 104.37. The revised field trip regulations will ensure the following:
  - a) Advanced notification of field trips to the parents or guardians of all students, including students with disabilities, including notification of the time, place, and cost of the field trip; and
  - b) The procedure for providing support and/or services for students with disabilities to enable them to participate in the same field trips that are offered to nondisabled students and notice to the parent or guardian of each participating student with a disability no later than five days in advance of a regularly scheduled field trip of how it will provide the necessary support and/or services. Where the field trip is not regularly scheduled, the District will provide notices to the parents as soon as the details are known and before the field trip occurs.
5. By February 1, 2010, the District will revise its Section 504 policy and procedures to ensure that teachers and paraprofessionals working with students using assistive technology receive the necessary training to ensure the technology can be utilized properly. The policy and procedures will provide for alternative services for when the technology is in repair or is otherwise not functioning.
6. Within 60 days of receipt of written notice from OCR that the revised policies and procedures developed pursuant to Items #3, 4, and 5 are consistent with Section 504 and Title II requirements, the School District will provide training to the administrative and teaching staff at the School District's Covington School and the School District's Section 504 Coordinator on Section 504 and implementing regulation requirements of providing a free and appropriate public education to students who have been identified as students with disabilities, and on the School District's revised Section 504 policies and procedures, to ensure compliance with Section 104.33, 104.34, 104.35, and 104.37. The person providing the training must be a competent authority on Section 504 and Title II.

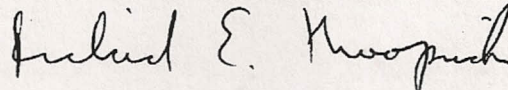
#### Reporting Timeframes

1. By February 19, 2010, the District will submit to OCR documentation showing implementation of Items # 1 and 2 above, including a copy of the letter that it provided to the complainant, documentation to show payment to the complainant of the costs identified in Item #1, and documentation produced as a result of the IEP Team meeting required in Item #2, including documentation identifying the participants, summarizing the compensatory services that the IEP Team determined would be provided to the student, and the rationale for the conclusion.
2. By February 19, 2010, the District will submit to OCR for review copies of the policies and procedures revised pursuant to Items #3, 4 and 5 above.



3. Within sixty (60) calendar days of receipt of written notice from OCR that the revised policies and procedures developed pursuant to Items #3, 4, and 5 are consistent with Section 504 and Title II requirements, the District will submit documentation to OCR documenting its adoption of these policies and procedures and post a copy on its website and provide a copy to OCR of a written notice distributed to District staff, and students regarding its new policies and procedures and where copies may be obtained.
4. Within thirty (30) calendar days of providing the training described in Item #6 above, the District will submit to OCR documentation showing implementation of Item # 6 above, including the date when and place where the training was held; the name, title, and qualifications of the individual who conducted the training; a copy of a sign-in sheet for attendees that lists names and titles of each attendee; a copy of the agenda and any training materials distributed.
5. By September 5, 2011, the District will submit to OCR documentation showing all the field trips that were offered at the Birmingham Covington School, a list of student participants on each of the field trips, indication of whether support and/or services were provided to any students with disabilities to enable their participation in the field trips, and a list of the support and/or services provided.
6. By September 5, 2011, the District will submit to OCR documentation showing the compensatory services that it provided to the student pursuant to Item #2 above.

Dated: January 29, 2010

By: 

~~David F. Larson, Ed.D.~~ Richard E. Kroopnick  
Its: ~~Superintendent of Schools~~ Attorney