

**Voluntary Resolution Agreement
Greenville County Schools
OCR Case No. 11-13-1272**

To resolve the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, Greenville County Schools (the District) voluntarily enters into this voluntary resolution agreement.

District's Homebound Policy

By **June 30, 2014**, the District will revise and submit to OCR its Homebound Policy (revised Homebound Policy) for OCR's review and approval. The District will then post the approved revised Homebound Policy on the District's public website. The revised Homebound Policy will, at a minimum, require that for students with disabilities:

- a. Decisions regarding homebound services be made based on an individualized assessment of a student's needs through a process that comports with the procedural requirements of Section 504; and
- b. The amount of homebound services considered is not limited by a predetermined number of hours.

Reporting Requirement:

Within 30 days of receiving OCR's approval, the District will publish and implement the Homebound Policy and any related procedures and provide OCR with copies of all the publications and links to websites where the revised policy and procedures appear.

Training on the Revised Homebound Policy

By **October 1, 2014**, the District will provide training on the revised Homebound Policy to the Section 504 Coordinators at all schools in the District to ensure that they are aware of the District's obligations under Section 504 with regard to the placement of students with disabilities on homebound status and the provision of homebound services. The District will draft and issue a memorandum to the Principals, Assistant Principals, and Special Education Coordinators at each school within the District, advising them of the revised Homebound Policy and emphasizing provisions (a) and (b) above. The memorandum will advise school personnel listed above of the name(s) and contact information of the District personnel designated to respond to questions regarding the revised Homebound Policy.

Reporting Requirements:

1. By **September 15, 2014**, the District will provide OCR with the name, title, and qualifications of the trainer and an outline of the proposed training for OCR's review and approval.

2. By **October 15, 2014**, the District will provide OCR with a report confirming completion of the required training, including:
 - a. the date of each training session;
 - b. a list of names and titles of the District and/or School personnel who participated in the training session above; and
 - c. copies of the agenda and training materials disseminated at the training session.
3. By **October 15, 2014**, the District will provide OCR with a copy of the memorandum described above for OCR's review and approval.
4. Within 30 days of OCR's approval of the memorandum, the District will provide OCR with documentation that it distributed the memorandum to school personnel.

Individualized Student Review

1. By **October 1, 2014**, the District will convene an internal team of knowledgeable persons, consistent with the requirements of Section 104.35(c), to review the Section 504 plans or IEPs and related files for all students with disabilities who received homebound services during the 2013-2014 school year (excluding students receiving services under IDEA who were initially approved for homebound services after February 19, 2014). For each applicable student, the District's internal team will review the student's individual circumstances to determine:
 - a. Whether the decision regarding homebound services was based on an individualized assessment of the student's needs through a process that comports with the procedural requirements of Section 504;
 - b. Students who received more homebound instruction than the number of hours specified in the previous Policy (i.e. five hours per week) will be considered to have received an individualized assessment.
2. If the internal team determines that the District had failed to conduct an individualized assessment of the student's needs through a process that comports with Section 504, or determines that an individualized assessment may not have been conducted prior to the student being placed on homebound instruction, the District will convene a meeting of knowledgeable persons, including the student's parents, consistent with the requirements of Section 504, to conduct an individualized assessment and determine:
 - a. Whether the number of hours and amount of services that each student received were sufficient to provide each student a FAPE while receiving homebound services; and
 - b. If FAPE was not provided, whether compensatory educational services or other appropriate relief is necessary.
3. If applicable, the District will offer and provide compensatory educational services to affected students, as appropriate.

- a. If the student accepts the District's offer for compensatory services, the District will develop a plan to provide each student with compensatory educational services within fifteen (15) days of the dates of its receipt of the acceptance.
- b. The plan will identify the nature and amount of the services to be provided at no cost to the student, who will provide the services, and when. The compensatory education services shall be delivered in a manner so as not to hinder the delivery of any services required by the student's current educational program.

Reporting Requirements:

1. By **October 30, 2014**, the District will provide to OCR, for OCR's review and approval, a report confirming the completion of the required review. In the report, the District will provide:
 - a. the name (or unique identifier) of each student with a disability receiving homebound services during the 2013-2014 school year;
 - b. the nature of the student's disability;
 - c. the number of homebound hours per week provided to the student during the 2013-2014 school year;
 - d. the dates during which the student received homebound services;
 - e. a determination as to whether the initial homebound placement decision comported with the procedural requirements of Section 504;
 - f. a determination as to whether the student's individual needs should have resulted in additional hours of homebound services;
 - g. a list of individuals, by name and title, who attended the meeting;
 - h. an assessment of whether each student is entitled to compensatory educational services;
 - i. whether the student is enrolled in the District for the 2014-2015 school year; and
 - J. a copy of all documentation from the review meeting described in Provision 1 above.
2. Within 20 days of OCR's approval of the District's report, for any students who the team determined eligible for compensatory education services, the District will provide documentation of:
 - a. its offer of compensatory educational services to the students;
 - b. the student's response; and
 - c. its plan to provide services to each student.
3. By **December 30, 2014**, the District will provide documentation to OCR of the dates, times, and locations that any compensatory services were provided, and the name(s) of the service provider(s) or any attempts made to deliver such services.

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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, 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 the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

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

May 5, 2014

Date