

RESOLUTION AGREEMENT
Florence County School District #1
OCR Complaint No. 11-13-1309

Florence County School District (the District) voluntarily enters into this resolution agreement (the Agreement) with the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above-referenced complaint. This Agreement does not constitute an admission of discrimination or other wrong doing and OCR has made no determination that the District has violated Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) or any other laws enforced by OCR. Implementation of the following commitments will resolve all issues in this complaint.

I. COMMITMENTS

1. By April 30th, 2014, the District will develop a memorandum to be distributed to staff and administrators at the School reminding them of their obligation under Section 504 to ensure the provision of a Free Appropriate Public Education (FAPE) to Students with disabilities. Specifically, the memorandum should remind staff that the obligation to provide a FAPE includes, but is not limited to, implementation of Section 504 Plans and Individualized Education Programs (IEPs), including Behavior Intervention Plans (BIPs).

Reporting Requirement:

- a. By April 15th, 2014, the District will provide OCR with a copy of the draft memorandum for review and approval.
- b. Within 10 days of receiving OCR's approval, the District will publish the memorandum to staff and administrators at the School.

Within two weeks of publishing the memorandum to school staff, the District will provide OCR documentation that school staff received the electronic copy of the memorandum.

2. By April 30th, 2014, the District will convene a group of persons knowledgeable about the Student (such as the IEP team if already established), including the Complainant, to determine whether the Student's BIP was consistently implemented (i.e., all of the required steps outlined in the BIP were followed by all teachers and administrators prior to disciplining the Student).

At the meeting, if it is determined that the BIP was not consistently implemented, the team will determine whether the Student is due any compensatory and/or remedial services for the time in which he was removed from the classroom for disciplinary reasons (i.e. out of school suspensions and/or in school suspensions).

- a. If the group or team of knowledgeable people determines that the Student is due compensatory and/or remedial services, the group must also determine the amount and type of compensatory and/or remedial services due the Student and the time and location at which the services will be provided.
- b. Should the District determine that no compensatory and/or remedial services are necessary; the District will provide a written explanation of the reasons for that determination, along with any supporting documentation.
- c. In making the above determinations, the District will ensure that it draws on all available and relevant information from a variety of sources; that this information is documented and carefully considered; and that the decision is made by a group or team of people knowledgeable about the Student, his disability, the meaning of any evaluation data, and placement/alternative options. The District must also provide the Complainant with a meaningful opportunity to provide input into any determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36.

Reporting Requirement:

- a. By May 2nd, 2014, the District will submit to OCR for review and approval a copy of the meeting minutes from the team meeting or similar documentation from the meeting referenced in Provision 2 above and copies of any information/documents considered by the team in reaching its decision, including the rationale for any decision made. This information should also include the names and titles of all meeting participants.
- b. Within fifteen (15) days after OCR's review and approval of the information submitted as a part of Reporting Requirement A, the District will submit to OCR a copy of the letter or similar notice given to the Complainant that informs her of the outcome (i.e. any determination made and the rationale for the determinations) of the meeting held as a result of Provision #2.
- c. If the team determines that the Student is due compensatory and/or remedial services, the District must provide the Complainant with a written offer/plan regarding the provision of the approved compensatory and/or remedial services to the Student.
- d. If the Complainant accepts the District's offer, the District will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the acceptance of the District's offer, or at a later date, if agreed upon by the Complainant. OCR reminds the District that the compensatory and/or remedial services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current education program and have a completion date not to extend beyond August 1st 2014.

- e. May 2nd, 2014, the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s) or any attempts made to deliver such services.
3. By May 15th, 2014, the District will review and revise, as necessary, the Student's disciplinary records. Specifically, the District will remove any disciplinary action from the Student's records that were the result of the District's failure to consistently implement the Student's BIP.

Reporting Requirement:

- a. By May 2nd, 2014, the District will provide to OCR for review and approval documentation of its decision whether to revise the Student's disciplinary records, and explanation for the decision, and any proposed revisions to the Student's disciplinary record as a result. If the District proposes to make no revisions to the Student's disciplinary record, it will provide OCR with an explanation of this decision and the names and titles of the decision-makers.
 - b. Within fifteen (15) of OCR's approval of its decision whether to revise the Student's disciplinary records, the District will implement its decision and provide documentation to OCR that it has done so.
4. By April 30th, 2014, the District will develop a memorandum regarding the District's responsibility to not retaliate against individuals who oppose discrimination based on race, sex, age or disability, or who participate in any way in a District, State, or Federal complaint process which raises one of the above issues. The memorandum will be distributed to staff and administrators at the School.

Reporting Requirement:

- a. By April 15th, 2014 the District will provide OCR with a draft of the memorandum developed pursuant to Provision 3, for review and approval.
 - b. Within ten (10) days of receiving OCR's approval, the District will publish the memorandum to staff and administrators at the School.
 - c. Within two (2) weeks of publishing the memorandum to school staff, the District will provide OCR documentation that school staff received the electronic copy of the memorandum.

MONITORING

1. The Division 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 Division understands that during the monitoring of this

Agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, which was at issue in this case.

2. The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.
3. The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, which was at issue in this case.

_____/s/_____
Superintendent
Florence County School District #1

March 25, 2014
Date