

OCR Complaint No. 01-13-1037
Grantham School District
Resolution Agreement

The Grantham School District (District) agrees to take the following actions to resolve the above-referenced complaint as investigated by the U.S. Department of Education's Office for Civil Rights (OCR). OCR investigated this complaint pursuant to its jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulations found at 28 C.F.R. Part 35 (Title II).

I. District-wide Actions

- A. By July 1, 2014, the District will develop and submit for OCR's approval a protocol for providing education and services to grade 7 to 12 students with disabilities in its jurisdiction, pursuant to Section 504 and Title II. At a minimum, the protocol will include the following:
1. Identification of the Section 504 identification, evaluation and placement procedures adopted by the District for students in grades 7 to 12.
 2. The District has the ultimate responsibility to ensure students are free from discrimination based on disability and are provided with a free appropriate public education (FAPE), regardless of the nature or severity of the student's disability.
 3. The District is ultimately responsible for collecting evaluative data concerning a suspected disability.
 4. Procedures for a prompt District response when the Lebanon School District, or any other program not operated by the District (in which a District student is placed), determines it can no longer educate a student with a disability.
 5. Decisions about education and services are based on the individual needs of the student and the provision of regular/special education and related services may not be delayed because of concern about the actual or potential cost.
 6. An assurance that decisions regarding tutoring services for students with a Section 504 plan are subject to Section 504 procedural requirements regarding evaluation and placement.
 7. An assurance that if a student is referred for any program, aid, benefit or service not operated or provided by the District or Lebanon School District, as the District's means of carrying out its requirements under Section 504, including education at another public school or a private school, transportation will be provided at no greater cost than the transportation provided to students educated under the AREA agreement.
 8. An outline of the District Section 504 Coordinator's role in ensuring a FAPE to students in grades 7 to 12 and in related team meetings, and any monitoring the Coordinator must do of such students.
- B. By July 1, 2014, the District will develop and submit for OCR's approval procedures for the identification, evaluation and placement of students who need or are believed to need special education or related services pursuant to Section 504 and Title II. If the District chooses to use another district's procedures for students in grades 7 to 12, those procedures must also be submitted for OCR's approval. The procedures will ensure that:

1. Any student who may need special education or related services because of a disability is evaluated before taking any action with respect to the student's initial placement in regular or special education, and before any subsequent significant change in placement;
 2. If a parent requests an evaluation for a suspected or known disability, the District will convene a team which will determine whether to evaluate and what assessments will be conducted. All actions will be completed in a timely manner and decisions conveyed to the parents. Tests and other evaluation materials are administered by trained personnel and are reliable and are valid for the purpose for which they are being used;
 3. In making eligibility decisions, the team determines whether the Student has a mental or physical impairment that substantially limits one or more major life activities;
 4. Placement decisions are made by a group of persons knowledgeable about the student, the meaning of evaluation data, and the placement options;
 5. Placement decisions are based on information from a variety of sources, with information from all sources being carefully considered and documented;
 6. Students are periodically reevaluated, and are reevaluated prior to any significant change of placement, which includes a disciplinary exclusion, or a pattern of exclusions, exceeding 10 school days;
 7. The identification, evaluation and placement of a student shall occur in a timely manner; and,
 8. Parents or guardians will be provided notice of their procedural safeguards at appropriate decision points.
- C. By May 1, 2014, the District will submit to OCR its process for affording parents/guardians the right to an impartial hearing on issues related to the identification, evaluation, and placement of students with disabilities, as adopted on November 3, 2013. The District will submit its notice of procedural safeguards to explain to parents/guardians how to pursue a hearing, as adopted on November 3, 2013.
- D. Within two weeks of OCR's approval, the District will provide OCR with documentation that it has provided notice of these procedures in A-C to all staff and parents of students in grades 7 to 12 with Section 504 plans, in print and online.
- E. By May 1, 2014, the District will submit documentation of the Section 504 training received by the Section 504 Coordinator and the Superintendent, which was completed in November 2013.
- F. By September 30, 2014, the District will provide training to the Section 504 Coordinator and an alternate on the District's approved Section 504 policies mentioned in this Agreement. The District will provide OCR with the materials to be provided at the training and the identification of trainer(s) for OCR's review and approval two weeks prior to the training. Within one week following the training, the District will provide OCR with confirmation that the training took place.

II. Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this case.

