

**Resolution Agreement
Jefferson County Public Schools
OCR Complaint #03181162**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Jefferson County Public Schools (the District) enter into this Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Section 504 Plan

The District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a free appropriate public education (FAPE), including the development and implementation of Section 504 plans, to each qualified student with a disability in its jurisdiction and to promptly evaluate and place students with disabilities in accordance with 34 C.F.R. § 104.35.

By September 15, 2018, the District will disseminate a memorandum (this memorandum can be sent electronically) to all staff and administrators at Atherton High School (the School), reminding them of their obligations under Section 504 to provide a FAPE, including the development and implementation of Section 504 plans, to each qualified student with a disability in its jurisdiction and to promptly evaluate and place students with disabilities.

Reporting Requirement:

By September 30, 2018, the District will submit to OCR documentation demonstrating that it distributed the memorandum referenced in #1 above, including the list of personnel, with name and title, who received the memorandum and the District's method of distribution for OCR's review and approval.

Multidisciplinary Team Meeting

1. By September 1, 2018, the District will convene a multidisciplinary team (MDT) meeting with a group of persons knowledgeable about the Student (XXXXXX), including District administrators/staff and the Complainant and ensure evaluation information is documented and carefully considered.

The meeting will be conducted in accordance with the requirements of 34 C.F.R. §§ 104.34 (least restrictive environment), 104.35 (evaluation and placement) and 104.36 (procedural safeguards). The District will invite the Complainant, in writing, to attend the MDT meeting, at least fifteen (15) days in advance of the meeting, unless the Complainant agrees to waive this requirement. The District will ensure that accurate meeting minutes are recorded to

document this meeting, to include information considered from all sources, and any decisions made by the team. The team will determine:

- a. XXXXXX;
- b. XXXXXX;
- c. XXXXXX; and
- d. XXXXXX.

Within fifteen (15) calendar days of the meeting described in #2 above, the District will provide the Complainant with written notice of the outcome of the meeting, and a copy of the revised Section 504 plan, if applicable. If compensatory education, remedial services, or grade adjustments are determined to be necessary for the Student, the District will inform the Complainant that she must respond, in writing, to the offer of such services/adjustments within fifteen (15) calendar days. The notice will also inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36, including the right to challenge the group's determination through an impartial due process hearing. If the Complainant accepts the District's offer, the District agrees to begin implementing the revised Section 504 Plan and providing compensatory services within fifteen (15) calendar days from the date of its receipt of the Complainant's acceptance of the District's offer. The compensatory and/or remedial program shall be delivered by the District in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program.

If the MDT determines that no educational loss occurred and no compensatory services are necessary, the District will provide the Complainant with written notice, including an explanation of its decision and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

By September 15, 2018, the District will submit documentation to OCR for review and approval demonstrating the District's compliance with #2. OCR will, prior to approving the District's decision, 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, in making its determination(s). The District's submission must include:

- a. a copy of the Complainant's invitation to the MDT meeting, including verification that the invitation was sent via certified mail;
- b. a copy of the minutes from the meeting, including an explanation of the decisions made;
- c. the name/titles of meeting participants;
- d. the information considered by the team;
- e. a copy of the notice sent to the Complainant informing her of the outcome of the meeting, including any offers of compensatory education, an explanation for any decision that such services are not necessary, as applicable, and verification that the notice was sent via certified mail;
- f. a copy of the procedural safeguards provided to the Complainant; and
- g. a copy of the schedule to provide compensatory education to the Student, if applicable.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §§ 35.103(a) and 35.130(b), which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 and 100.10) or judicial proceeding 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/

6/12/18

Superintendent or Designee
Jefferson County Public Schools

Date