

Alabaster City Schools
OCR Docket # 04-14-1376

RESOLUTION AGREEMENT

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Alabaster City School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the District is not in compliance with Section 504, Title II, or their implementing regulations. Accordingly, to ensure compliance with Section 504, Title II, and their implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

Homebound Program Policies, Procedures, and Forms

1. By September 25, 2014, the District will revise its Homebound Manual and Application Forms (and any other documents containing information prescribing the maximum homebound educational services afforded to students) to state that, for students with disabilities or students suspected of having a disability, the eligibility requirements for homebound services and the services that will be provided during homebound will be made exclusively by a Section 504 team or IEP team based on the individual needs of the student and will not be subject to the District's existing restrictions for homebound services that may apply to students who are not disabled and not suspected of having a disability (e.g., the 3 hour maximum services per week or 30 days out of school eligibility requirement).

REPORTING REQUIREMENT: By October 8, 2014, the District will provide OCR with copies of all revised documents, manuals, and webpages.

2. By November 25, 2014, or within 30 days of OCR approval of the documents described in Item #1 (whichever is later), the District will publish the documents approved by OCR.

REPORTING REQUIREMENT: By December 8, 2014, the District will provide OCR with copies of all published documents, manuals, and links to webpages described in Item #2.

Individual Remedies

3. By October 8, 2014, the District will (a) review the homebound service plans for all students who either applied for such services or were deemed eligible for services to ensure that those placement decisions took into account whether those students were disabled or were suspected of having a disability, (b) for those students with disabilities or suspected of having disabilities, ensure that the placement decision (including eligibility and number of hours of services) were made by the students' Section 504 or IEP teams, and (c) for those students with disabilities or suspected of having disabilities, who did not receive an individual determination as described above in Item #3(b), the District will convene the students' respective Section 504 or IEP teams to make individual determinations regarding their homebound eligibility and hours of homebound service. If it is determined that students were not receiving the appropriate homebound services, the Section 504 or IEP team will also determine what compensatory educational services the students need.

REPORTING REQUIREMENTS: By October 22, 2014, the District will submit to OCR, for its review and approval, documentation showing implementation of paragraph 3 above, including a copy of any meeting minutes and all newly created or modified Section 504 plans or IEPs. Should the District determine that no compensatory education or remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with supporting documentation. If approved by OCR, then by November 15, 2014, or within 30 days of approval from OCR (whichever occurs later), the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial education services were provided to the students, including the names(s) and title(s) of the service providers.

Training

4. By September 25, 2014, the District will make its principals, assistant principals, and counselors available at a mutually agreeable time and place for training by OCR regarding the District's responsibilities under Section 504 and Title II. Thereafter, the District, independent of OCR, will provide training regarding the same topics on an annual basis to its principals, assistant principals, and counselors.

REPORTING REQUIREMENT: By October 8, 2014, the District will provide OCR with proposed dates, times, and locations for the training to be conducted pursuant to Item #4 above.

5. Within 30 days of OCR's approval of the District's revised Homebound Program Policies and Procedures, the District will initiate annual training to its principals, assistant principals, and counselors regarding the District's revised Homebound Program Policies and Procedures.

REPORTING REQUIREMENT: Within 45 days of OCR's approval of the District's revised Homebound Program Policies and Procedures, the District will provide OCR with documentation demonstrating that the District initiated the annual training described in Item #5 above. The documentation shall include (1) the date of the training session; (2) a list of names and job titles of the District personnel who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of the District's Homebound Program; and (4) a copy of the training materials disseminated.

Offer to Re-enroll in the District

6. By September 25, 2014, the District will invite the Student in writing to re-enroll in the District. Should the Student accept the District's invitation, the District will allow the Student to re-enroll, provided the Student resides within the District's attendance zone.

REPORTING REQUIREMENT: By October 8, 2014, the District will provide OCR with (1) documentation showing that that it invited the Student to re-enroll in the District and (2) documentation showing that Student either re-enrolled or rejected the District's offer of re-enrollment.

Compensatory Educational Services

7. By September 25, 2014, if the Student re-enrolls in the District, the District will evaluate the Student to determine if compensatory educational services are needed. By October 8, 2014, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services. If the group determines that compensatory educational services are needed, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond May 1, 2015. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By October 22, 2014, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, 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 these determinations.

8. By May 1, 2015, the District will provide any compensatory services referenced in Item # 5 above.

REPORTING REQUIREMENT: By May 9, 2015, the District will provide OCR with applicable documentation demonstrating that the services were provided.

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 Section 504 implementing regulation at 34 C.F.R. §§ 104.33(a) & (b)(1) and 104.35(c), as well as the Title II implementing regulation at 28 C.F.R. §35.130.

The District also 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 at Section 504 implementing regulation at 34 C.F.R. §§ 104.33(a) & (b)(1) and 104.35(c), as well as the Title II implementing regulation at 28 C.F.R. §35.130.

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.

Superintendent or Designee
Alabaster City Schools

Date