Limestone County Schools
OCR Docket #04-14-1377

RESOLUTION AGREEMENT

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Limestone County 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), as amended, 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, and 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.

Policies and Procedures

1. By July 1, 2014, the District will revise its Homebound Manual and Application Forms (and any other documents containing information proscribing 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 4 weeks out of school eligibility requirement).

   REPORTING REQUIREMENT: By July 1, 2014, the District will provide OCR with copies of all revised documents, manuals, and webpages.

2. By September 1, 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 September 15, 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 September 30, 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 15, 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. Should the District determine that compensatory education or remedial services arc necessary, the District will provide OCR a written plan or timetable for provision of those services. Once 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 or 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) or the service providers.

Training

4. By September 30, 2014, the District shall initiate annual training of District administrators, faculty and staff involved in its homebound process and/or Section 504 or IEP processes. regarding the new procedures developed in accordance with this Agreement and Section 504 s requirement that students with disabilities and students suspected of having a disability receive individualized assessments for all placement decisions, including the provision of homebound services. The training should include examples of the various ways the District can become aware of the need to evaluate a student, including staff observations, direct parent or staff referral, and other information that should cause staff to reasonably suspect the student may need special education or related services because of a disability. District staff will also be trained on the obligation to provide procedural safeguards and the evaluation process, to encompass when either the parent or District suspects a disability or either refuses evaluation because they do not believe the Student needs special education or

related services. The training shall also include training on the Districts obligation to complete the Student's evaluation within a reasonable time period.

REPORTING REQUIREMENT: By October 30, 2014 the District will provide OCR with a report confirming the initiation of the training sessions described in Item #4, including: (a) the background and qualifications of the presenters/trainers; (b) a copy of the materials used for the training; and, (c) a sign in log with name and title of all administrators, faculty and staff who completed the training.

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 al 34 C.F.R. §§ 104.33(a) and (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 Section 504 implementing regulation at 34 C.F.R. §§ 104.33(a) and (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   Date
Designee
Limestone County Schools