

**Resolution Agreement
Clay County School District
OCR Docket #04-14-1725**

Clay County School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 04-14-1725 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1 - Individual Remedy

By March 19, 2015, 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 as a result of the District's failure to provide appropriate regular and/or special education or related services August 27-29, 2014 and September 1-5, 2014. If so, 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 the end of school year 2014-2015. 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:

- a) Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, 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.
- b) By May 10, 2015, or within 15 days of the completion of the compensatory and/or remedial services, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the names(s) of the service provider(s).

Action Item 2 – Training

By August 17, 2015, the District shall initiate annual training of District central office administrators, and staff at the School involved in the provision of a free and appropriate public education (FAPE) to students under a 504 Plan regarding Section 504's requirement to

implement existing Section 504 plans of students pending any reevaluation. The training should include information which explains that a student's education and related aids and services under an existing Section 504 plan should not be interrupted pending a placement or eligibility decision from the student's Section 504 or IEP team.

Reporting Requirement: By September 1, 2015, the District will provide OCR with a report confirming the initiation of the training sessions described in Item #2, 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 OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, and 104.35; and Title II, at 28 C.F.R. § 35.130, which were at issue in this case. The District also 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, and 104.35; and 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.

This Agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Section 504 or Title II or their implementing regulations.

Superintendent or Designee

Date

Printed Name and Title