

**Resolution Agreement
Cleburne County School District, AL
OCR Docket # 04-15-1015**

Cleburne County School District (District) agrees to resolve the compliance concern identified during the course of the investigation of Complaint #04-15-1015 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

Student's Reenrollment/IEP Meeting

By December 1, 2015, the District will send a letter to the Complainant, inviting her to reenroll the Student in the District. The letter's contents will include, but not be limited to: a) a statement that, until a new Individualized Education Plan (IEP) is developed, the District will fully implement the IEP that was in place when the Complainant disenrolled the Student; and b) an assurance that, in accordance with that IEP, the Student's Aide will meet the Student at the Complainant's car each school day to escort him into the School.

By January 15, 2016, if the Student returns to the District, after providing proper written notice to the Complainant, a group of knowledgeable persons, including the Complainant, will meet to develop an IEP that includes a safety plan for the Student to access his school.

REPORTING REQUIREMENTS:

By January 30, 2016, 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 and the information considered in making its decision.

ACTION ITEM 2

Compensatory Education

By February 15, 2016, if the Student returns to the District, 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 from the time the Student was disenrolled from the District until the date of the letter required in Action Item 1. If so, within one 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 June 30, 2016. 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 Requirements:

- a) Within two 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 June 30, 2016, 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 name(s) of the service provider(s).

ACTION ITEM 3

Training

By December 1, 2015, the District will initiate annual training for the School's administrators, faculty, and staff regarding the Section 504 and Title II legal standards regarding the development and implementation of IEPs when the District or a parent/guardian proposes changes to the related aids and services a Student receives.

REPORTING REQUIREMENTS:

By January 15, 2016, the District will provide OCR with a report confirming the completion of the annual training for administrators, faculty, and staff at the School. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the administrators, faculty, and staff at the School who completed the training.

ACTION ITEM 4

Reimbursement

Within 30 days of the Student's reenrollment, the Complainant may provide written documentation to the District of reasonable and necessary expenses she incurred and paid in homeschooling the Student from the date of his 2014 disenrollment to the date of the letter the District sends the Complainant in accordance with Action Item 1 above.

Within 10 days after the District receives written documentation of the Complainant's reasonable and necessary homeschooling expenses from the date of the Student's 2014

disenrollment to the date of the letter the District sends the Complainant, the District will reimburse the Complainant for the documented, reasonable and necessary expenses the Complainant incurred and paid.

REPORTING REQUIREMENTS:

Within 30 days after the District reimburses the Complainant, as detailed above, the District will provide to OCR written documentation showing it reimbursed the Complainant and that she accepted the reimbursement as final payment for the documented, reasonable and necessary homeschooling expenses she incurred and paid.

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(a)(b)(1)(2), and the Title II implementing regulation 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 regulations at 34 C.F.R. 34 C.F.R. § 104.33(a) (b)(1)(2), 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 sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date