



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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ATLANTA, GA 30303

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

RESOLUTION AGREEMENT
Coffee County,
OCR Docket #04-15-1225

Coffee County School District agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 04-15-1225 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

Student-Focused Remedies

1. By July 15, 2015, the District shall contact the Complainant by letter and advise the Complainant that the Student may return to the District.

REPORTING REQUIREMENTS: By July 30, 2015, the District shall provide OCR with evidence that the District invited the Student to return to the District.

2. By August 25, 2015, the District shall rescind its decision to place the Student in an alternative setting and expunge the placement from the Student's records.

REPORTING REQUIREMENTS: By September 30, 2015, the District shall provide OCR with evidence that the District invited the Student to return to the District.

3. By September 1, 2015, if the Student returns to the District, the District will conduct a Manifestation Determination Review (Manifestation Determination) to determine whether the behaviors for which the Student was disciplined on February 10, 2015, constituted a manifestation of the Student's disability. The Manifestation Determination will be conducted through a process that comports with the Section 504 implementing regulation at 34 C.F.R. §§ 104.35 and 104.36 and shall include a review of current evaluation and medical information, which should include the Student's diagnosis of ODD and Impulse Control Disorder.
4. By September 15, 2015, if the Section 504 team finds that any of the Student's conduct was a direct result of his disability, which led to discipline, the Student's discipline record will be expunged of the disciplinary referral for the incident which occurred on February 10, 2015.
5. By September 30, 2015, after providing proper written notification to the Student's parent, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of being suspended from school for a period of ten days

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(February 10, 2015 through February 19, 2015) or requires additional services because of the Student's diagnosis of ODD and Impulse Control Disorder. 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 January 16, 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. If the Student returns to the District, by September 30, 2015, the District shall provide OCR with evidence that the Student received his Manifestation Determination evaluation in accordance with the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36. The documentation submitted shall include documentation showing the participants in the meetings, an explanation for decisions made, and the information considered.
- b. The District shall within 2 weeks of the decision as to whether compensatory and/or remedial services are needed or additional services are needed because of the Student's disabilities of ODD and Impulse Control Disorder, 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. Prior to approving the District's decision and plan for providing the proposed services, OCR will review the documentation to ensure that the District, in making these determinations, met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36. By January 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).

Training:

6. By September 30, 2015, and thereafter on an annual basis, the District will provide training to appropriate District staff, including administrators, Section 504 Coordinators, Counselors and teachers, regarding the requirements of Section 504 implementing regulations at 34 C.F.R. §§ 104.35 and 104.36 and Title II with respect to evaluations and manifestation meetings. The training should include Section 504's requirement to review and consider all pertinent and relevant information from a variety of knowledgeable persons and pertinent sources as well as the requirement to have current psychological evaluations for students, who receive services pursuant to Section 504. Additionally, the training will include overall requirements for the evaluation, discipline, and manifestation determinations of disabled students.

REPORTING REQUIREMENT: By October 15, 2015, the District shall provide evidence that training was provided as described above in Item #6. Documentation provided by the District will also show the names and positions of the District employees who participated in the training session, an agenda, and information on the background and qualifications of the trainer with respect to Section 504 and Title II.

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, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), 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 regulations

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. §§ 35.130(a) and (b)(1)(iii), which were at issue in 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, 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.

Date

Superintendent or Designee