

**Resolution Agreement
Huntsville City Schools
OCR Docket Number 04-15-1383**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Huntsville City Schools (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation, 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 voluntarily agreed to resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual* by entering into the below Resolution Agreement. This Resolution Agreement is not an admission of wrongdoing; the District explicitly denies any wrongdoing.

Accordingly, to ensure compliance with Section 504 and Title II, the District voluntarily agrees to take the following actions:

TRAINING

1. By February 24, 2017, the District will initiate training for administrators, faculty and staff at XXXXXXXX XXXXXXXX School regarding the provision of a free appropriate public education to students with disabilities pursuant to Section 504 and Title II. The training shall be conducted by qualified persons who can demonstrate knowledge of the requirements of Section 504 and Title II to ensure free appropriate public education. The training will specifically include the process governing the continuous provision of services, including behavioral intervention plans, to students with disabilities who begin receiving services pursuant to an Individualized Education Program (IEP) plan pursuant to the Individuals with Disabilities Education Act from a Section 504 plan pursuant to Section 504.

REPORTING REQUIREMENT: By March 13, 2017, the District will provide OCR with a report confirming the completion of the training, including: (a) the background and qualifications of the presenter(s)/trainer(s); (b) a copy of the transcript(s)/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.

INDIVIDUAL REMEDY

2. By February 24, 2017, the Student's IEP and Section 504 teams shall meet, individually or together, to determine whether the Student should be exited from Section 504 given that the Student currently has an IEP; whether his current educational plan(s) (IEP and/or Section 504 plan) appropriately addresses his behavioral goals/interventions; and to purge any disciplinary infractions from the Student's educational file that he received during the period in which he received services both through an IEP and a Section 504 plan

containing a Behavioral Intervention Plan (May 2015 through January 2016). The Student's parents shall be included in any and all Section 504/IEP meetings.

REPORTING REQUIREMENT: By March 13, 2017, the IEP and/or Section 504 team(s) will provide OCR with a copy of its recommendations made in accordance with Provision 2, to include evidence that discipline was purged from the Student's record, as well as any and all revised Section 504 plans and IEPs, a list of all attendees and accompanying meeting notes.

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 regulations implementing Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130.

The District 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 regulations implementing Section 504, at 34 C.F.R. § 104.33, and Title II, 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.

District Representative

Date

Printed Name and Title