

**Resolution Agreement
Ben Hill County School District, GA
OCR Docket # 04-16-1109**

The Ben Hill County School District (District) agrees to implement the following actions in order to resolve the issues in Complaint #04-16-1109 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. 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.

Accordingly, to ensure compliance with the above-referenced laws and to resolve the issues of this investigation, the District agrees to take the following actions:

Staff Training

1. By April 30, 2017, the District shall initiate annual training of administrators, teachers, counselors, and any other staff at Ben Hill Primary School (School) involved in the provision of a free appropriate public education (FAPE) to students with disabilities regarding:
 - a. The Section 504 requirements regarding the evaluation of students suspected of needing services pursuant to Section 504, including the timeframe for the completion of the evaluation (generally 60 days);
 - b. The necessity to include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options, including parents/guardians, on the evaluation team; and
 - c. The necessity to provide procedural safeguards to parents and guardians.

REPORTING REQUIREMENT: By May 31, 2017, the District will provide documentation to OCR demonstrating that the District has conducted the training pursuant to this provision of the Agreement. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of School employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

Student-Focused Remedies

2. By February 15, 2017, after providing proper written notification to the Student's parents, a group of knowledgeable persons, including the parents (if they elect to attend), will meet and determine if the Student is eligible to receive related aids and services pursuant to Section 504. The team will also determine whether the Student needs compensatory and/or other remedial services as a result of the Student not being evaluated in the 2015-2016 school

year., If so, within one week of its determination, the group will develop a Section 504 Plan to reflect the related aids and services needed by the Student and develop a plan for providing timely compensatory and/or remedial services and set a reasonable completion date for the services. The District will provide the Student's parents with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing. The District will provide the Student's parents with an opportunity to provide input into these determinations and written notice of the determinations made.

REPORTING REQUIREMENT: The District shall within two (2) weeks of the decision regarding the Student's eligibility to receive related aids and services pursuant to Section 504, submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for the decisions made, the information considered, and a copy of the Student's newly-developed Section 504 Plan or IEP (if applicable). 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. §§ 104.33, 104.35 and 104.36. By March 30, 2017, 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).

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 at 34 C.F.R. §§ 104.33, 104.35, and 104.36 and the Title II implementing regulation 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 Section 504 implementing regulation at 34 C.F.R. §§ 104.33, 104.35, and 104.36 and the Title II implementing regulation at 28 C.F.R. § 35.130, 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 sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date