

**Resolution Agreement
Floyd County Schools
Complaint #04-16-1327**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Floyd County Schools (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 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), 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. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to the provisions of Section 504 and Title II. This Agreement shall not constitute an admission of liability on behalf of the District and does not constitute a finding on the part of OCR. Accordingly, to ensure compliance with the above-referenced regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Student-Focused Remedy

1. **By September 15, 2016**, the District will send the Complainant, via certified letter, written correspondence inviting the Student to participate in the XXXXXXXX XXXX for the 2016-17 school year, and the District will also provide the terms of and the general schedule for participating in the XXXXXXXX XXXX to the Complainant in writing. This correspondence will also notify the Complainant that this offer will extend until October 15, 2016.

REPORTING REQUIREMENT:

By December 1, 2016, the District will provide OCR with a copy of the letter sent to the Complainant and will inform OCR if the Student elected to participate in XXXXXXXX XXXX for the 2016-17 year.

Section 504 Meeting

2. If, pursuant to Item 1 above, the Student elects to participate in XXXXXXXX XXXX during the 2016-2017 school year, within 30 days of receiving notice of the Student's intent to participate, the District will, after providing the Complainant with proper notice, schedule and hold a Section 504 team meeting to discuss whether specific behavior interventions or accommodations are necessary or required for the Student to participate in the XXXXXXXX XXXX.

REPORTING REQUIREMENT:

If applicable, **by December 1, 2016**, the District will provide OCR with documentation showing its completion of Item 2, above. The documentation shall include a copy of any meeting minutes, a copy of any plan or additional accommodations developed for the

Student, documentation evidencing the participants in the meeting and the information considered, and any documentation of input provided by the Student's parents.

Training

3. The District will provide training to staff at XXXXXXXX XXXX XXXXXXXX (School) regarding the District's responsibilities under Section 504 and Title II. The training shall be provided by a source with expertise in Section 504 and Title II and shall cover, at a minimum, Section 504 and Title II's prohibition against discrimination and different treatment on the basis of disability and the requirement that school districts provide students with disabilities with a free and appropriate public education (FAPE). If the District desires, it may coordinate with OCR to provide the training at a mutually-agreeable time and place.

REPORTING REQUIREMENT:

If training by OCR is requested by the District, **by October 1, 2016**, the District will coordinate with OCR of the proposed dates, times, and locations for the training to be conducted pursuant to Item 3 above.

If training by OCR is not requested by the District, **by January 1, 2016**, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate District faculty, staff, and administrators from the School. Such documentation should include the date(s) of the training session(s); a copy of the agenda of the training; the name, position, and credentials of the trainer(s); an attendance sheet signed by the participants that indicates the names and titles; and a copy of the presentation.

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, 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 Section 504 implementing regulation at 34 C.F.R. § 104.33, 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

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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.

Superintendent, Floyd County Schools

Date

Printed Name and Title