

**Resolution Agreement
Spalding County School District
OCR Docket # 04-16-1459**

The Spalding County School District (District) agrees to implement the following actions in order to resolve the issues in OCR Complaint #04-16-1459 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

Individual Remedy:

After providing proper written notification to the Student's parent no later than **November 25, 2016**, the District will conduct a comprehensive evaluation for the Student to determine if the Student is eligible to receive related aids and services pursuant to Section 504/Title II. If so, within one week of its determination, an IEP or Section 504 Team will develop an IEP or 504 Plan to reflect the related aids and services needed by the Student. 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. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations and notice of the determinations made.

Reporting Requirements:

By **December 15, 2016** the District will provide OCR with a copy of the evaluation for the Student and a copy of the eligibility determination for the Student. If an IEP or 504 plan is determined as necessary, the District will submit a copy of the IEP or 504 plan by **December 15, 2016** as well.

ACTION ITEM 2

Training:

By **January 15, 2017** the District shall provide to relevant administrators and staff involved in the provision of a free and appropriate public education (FAPE) to students regarding:

- a. The Section 504 requirements regarding completion of an evaluation for students suspected to be a student in need of services pursuant to Section 504 in a reasonable time period (generally 60 days);

- b. The necessity to include persons knowledgeable about a student, including parents/guardians, on the evaluation team and to consider current evaluation data;
- c. The necessity to provide procedural due process to a parent or guardian as soon as the District is notified of the request for Section 504 services.

Reporting Requirements:

By **February 15, 2017**, the District will provide OCR with a written report confirming the completion of training specified in Action Item 2. 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 participants' names and titles that completed the training.

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) and (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) and (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