

**Resolution Agreement
Bay County School District
OCR Docket # 04-16-1630**

The Bay County School District (District) agrees to implement the following actions in order to resolve the issues raised in OCR Complaint #04-16-1630 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:

By September 15, 2017 the District will notify, in writing, Student A and Student B's (Students) parents/guardians, respectively, of the District's willingness to conduct an evaluation for each student to determine their eligibility for special education related aids and services, and appropriate placement. In this same offer, the District will provide an evaluation consent form. This written notice will also provide the Students' parent/guardian 30 calendar days to accept the District's offer. If either Students' parent/guardian accepts the District's offer to evaluate, the District will schedule an evaluation within 30 calendar days from receipt of consent.

Reporting Requirement:

By October 1, 2017, the District will submit to OCR a copy of the written notice provided to both Students' parent/guardians of their willingness to evaluate the Students.

Within 14 calendar days of making its special education eligibility decisions with respect to the Students, the District will submit to OCR documentation supporting the eligibility decision. The documentation submitted shall include the names and titles of the participants in the eligibility meeting and an explanation for decisions made and a copy of the information considered.

ACTION ITEM 2

Individual Remedy:

This Action Item will only be necessary if either or both Students receive a comprehensive evaluation under Action Item 1 which finds the Student eligible for special education related aids and services. By November 1, 2017 after providing proper written notice to Student A and Student B's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the District failed to provide either student an appropriate regular and/or special education or related services and whether, as a result, either Student needs compensatory and or remedial services. If so, within 1 week of its determination the group will develop a plan for providing

compensatory and/or remedial services with a completion date not to extend beyond 180 days from the date of determination. The District will provide the Students' parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documentation supporting the group's decision. The documentation submitted shall include the names and titles of the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services (if any) to Student A and/or Student B.

If compensatory and/or remedial services are needed, within 2 weeks of completion of these services, 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 of the service provider(s).

ACTION ITEM 3

Training:

By February 1, 2018, the District will provide training to Student A and Student B's School Section 504 Coordinator(s), administrators and other relevant staff, including but not limited to, teachers, counselors, etc., who have responsibility for implementing the School's Section 504 services for students. The training will consist of an overview of the School's responsibilities under Section 504 and Title II, including the School's obligation to identify and evaluate all students within its jurisdiction who, because of disability, need or are believed to need regular or special education or related aids and services.

Reporting Requirements:

By February 15, 2018, the District will provide OCR with a written report confirming the completion of the training. 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 who 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. § 104.35, 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. § 104.35 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