

**Resolution Agreement
Decatur County School District
OCR Docket # 04-16-7082**

The Decatur County School District (District) agrees to implement the following actions in order to resolve the issues raised in OCR Complaint #04-17-7082 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 Complainant of the District's willingness to evaluate the Student by March 15, 2017, the District will conduct an evaluation for the Student to determine if the Student is eligible to receive related aids and services pursuant to Section 504/Title II, specifically in regard to the Student's intestinal disability. If the Student is eligible to receive services, 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 Complainant with a meaningful opportunity to provide input into these determinations and notice of the determinations made.

Reporting Requirements:

By April 15, 2017, the District shall provide OCR with evidence that the Student was evaluated in accordance with the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, and the information considered. The District will also provide OCR with a copy of the written notice described above.

ACTION ITEM 2

Individual Remedy:

By May 1, 2017, if the Student is determined to be a student with a disability, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the

Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend past 180 days of the date of determination. 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.

Reporting Requirement:

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

If compensatory and/or remedial services were determined necessary, by May 30, 2018 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).

ACTION ITEM 3

Training:

By September 1, 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 prohibition against retaliation.

Reporting Requirement:

By October 1, 2017, the District will provide documentation to OCR with a written report confirming the completion of training specified in Action Item 3. 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. § 104.33 and § 104.61, 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 and §104.61, 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