

**Resolution Agreement
Midfield City Schools (AL)
OCR Complaint # 04-18-1456**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Midfield City Schools (District), enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions:

Student Focused Remedies

1. By **August 31, 2018**, after providing proper written notice to the Student's parent(s), the District will convene an IEP committee meeting for the Student, consisting of a group of knowledgeable persons, including the parents, to determine whether the Student *additional* needs services under Section 504 and/or IDEA, including, but not limited to, behavioral intervention (development of a Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)).
2. By **September 8, 2018**, if the Student is determined to need *additional* services under Section 504 and/or IDEA, the District will develop a plan to provide a free appropriate public education to the Student based on his individual educational needs. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parents notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **September 23, 2018**, 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, a copy of the Student's evaluation report, a copy of the minutes of the meeting held to determine whether the Student needs *additional* services to meet his individual educational needs, and a description of the *additional* services that will be provided to the Student, if such *additional* services are determined to be necessary.

Student Focused Remedies/Compensatory Education

3. By **August 31, 2018**, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the parents, will determine whether the Student needs compensatory and/or remedial services for the 2017-2018 school year as result of the Student not being consistently placed in the regular education setting, per his IEP.
4. By **September 8, 2018**, if the group determines that compensatory and/or remedial educational services are needed, the group will develop a plan for providing timely compensatory and/or remedial

services with a completion date not to extend beyond **April 1, 2019**. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **September 23, 2018**, 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) to the Student.

5. By **April 1, 2019**, the District will provide any compensatory services referenced in Item 4 above.

REPORTING REQUIREMENT: By **April 30, 2019**, the District will provide OCR with applicable documentation demonstrating that the services were provided.

Training

6. By **April 1, 2019**, the District will initiate annual training of the Midfield Elementary School administrators, faculty and staff involved in the implementation of Section 504 Plans and IEPs, regarding the requirements of 504 and Title II, and the 504/Title II anti-retaliation provisions.

REPORTING REQUIREMENT: By **April 15, 2019**, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the School administrators and faculty who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of implementation of IEPs and Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

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. § 104.34(a)-(c); and, the Title II implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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