

RESOLUTION AGREEMENT
School District of Henry County
OCR Complaint #04-19-1374

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Baldwin County Schools (District), enter into this agreement to resolve the allegation 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. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to ensure compliance with Section 504 and Title II and resolve the issues in Complaint #04-19-1374, the District agrees to take the following actions:

STUDENT REMEDIES

1. By November 29, 2019, the District, after providing proper written notice to the Student's parent/guardian, will convene a group of knowledgeable persons, including the parent/guardian, to determine what compensatory education or other remedial services the Student requires for the time period the Student did not receive as a result of the delay in completing a full evaluation. If so, within one week of its determination, the group will develop a plan for providing compensatory education or other remedial services deemed necessary, including who will provide the services, when the services will be provided, and the start and projected end dates of the services which will be provided at no cost to the Complainant and will become a part of the Student's current Individual Education Program (IEP). 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:

By December 6, 2019, the District will submit to OCR documentation showing implementation of Action Item 1 above, including a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation considered and relevant to the determinations reached in accordance with Action Item 1 above. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 regulations implementing Section 504 at 34 C.F.R. §§ 104.21-104.23, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149-35.151, which were at issue in this complaint.

Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case. The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the Superintendent or his/her Designee below.

_____/s/_____
Superintendent (or Designee)
Baldwin County School District

_____/10/8/19_____
Date