

Resolution Agreement (#05-18-1132)

Evansville Vanderburgh School Corporation

The U. S. Department of Education, Office for Civil Rights (OCR), and Evansville Vanderburgh School Corporation (Corporation) enter into this agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Corporation. The Corporation 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), 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 - 12134, and its implementing regulation at 28 C.F.R. Part 35.

1. By June 1, 2018, the Corporation will determine the appropriate placement for Student A for the 2018-2019 school year following procedures that are consistent with Section 504's or the IDEA's requirements.¹ In interpreting evaluation data and in making the placement decision, the Corporation will draw upon information from a variety of sources, ensure that information obtained from all such sources is documented and carefully considered, ensure that the placement decision is made by a group of persons, including persons knowledgeable about Student A, the meaning of the evaluation data, and the placement options, and ensure that the placement decision is made in conformity with the Section 504 regulation and the IDEA. The team that makes the placement decision will also consider whether Student A is in need of any compensatory services related to her placement in the second semester of the 2017-2018 school year. If the Corporation determines that Student A is in need of any compensatory services, then it will develop a schedule for provision of such services, with all services to be completed by November 30, 2018. The Corporation will provide Student A's parents notice of their right to request a due process hearing regarding the 2018-2019 placement decision and the decision regarding compensatory services for 2017-2018.

REPORTING REQUIREMENT: By June 30, 2018, the Corporation will provide OCR with all documentation related to the 2018-2019 placement decision the determination regarding compensatory services, including an explanation of the basis for the decisions and documentation of the notice provided to Student A's parents. By December 14, 2018, the Corporation will document that it has provided all compensatory services determined necessary.

2. By October 15, 2018, the Corporation will provide training to relevant Bosse High School administrators and special education staff regarding the requirements of the Section 504 regulation related to the identification, evaluation, placement, changes in placement, and due process rights of students.

REPORTING REQUIREMENT: By October 31, 2018, the Corporation will provide documentation to OCR that it has provided the training required by this item, including

¹ OCR does not enforce IDEA. However, a reevaluation and placement decision consistent with IDEA is one means of meeting Section 504 requirements.

the name(s) of the trainer(s), a list of personnel who attended the training, and documentation showing the information provided during the training.

The Corporation 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 the Agreement. Further, the Corporation understands that, during the monitoring of this Agreement, if necessary, OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the Corporation has fulfilled the terms of this Agreement. Upon the Corporation’s satisfaction of the commitments made under this Agreement, OCR will close this case.

The Corporation 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 the specific terms and obligations of this Agreement, OCR will give the Corporation 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 Corporation’s representative below.

Superintendent or designee

Date