

**Pulaski County Special School District
OCR Complaint No. 06141270
Voluntary Resolution Agreement**

The Pulaski County Special School District (PCSSD) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the PCSSD commits to the following actions to ensure that it has achieved compliance, consistent with its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, (amended 1992), and its implementing regulation at 34 C.F.R. Part 104 (2013); 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 (2013) which prohibit discrimination on the basis of disability.

The PCSSD 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 Section 504 and its implementing regulation at 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35.

The PCSSD 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 PCSSD understands that during the monitoring of this agreement, if necessary, OCR may visit the district, interview staff and contract staff, students, or others 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 Section 504 and its implementing regulation at 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35, which are at issue in this case.

The PCSSD 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 PCSSD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Implementation of the Student's IEP:

Action Item #1:

- 1) By May 30, 2014, the PCSSD will notify the complainant in writing (via certified mail, return receipt requested) of its willingness to convene a group of persons, including those knowledgeable about the Student, to determine the appropriate placement for the Student, pursuant to Section 504 at 34 C.F.R. § 104.35.
- 2) If the complainant accepts the PCSSD's offer, the PCSSD will convene the group of knowledgeable persons within thirty (30) calendar days of the parent's notice of acceptance of the offer. Pursuant to Section 504 at 34 C.F.R. § 104.35, the Admission, Review and Dismissal (ARD) meeting should be conducted by a group of persons who are

knowledgeable about the Student, the meaning of the evaluation data, and placement options within the PCSSD. The purpose of the ARD meeting is to:

- a) Re-evaluate the regular or special education aids and related services currently being provided to the Student to determine whether, based on the student's lack of academic success during the 2013-2014 school year, the Student may require additional or different related aids and services (e.g., to include clarifying school policies, establish and provide information regarding the PCSSD's Home Access Center (HAC), 504 policies, student responsibilities); and
 - b) Determine whether compensatory services are warranted as a result of the poor academic achievement of the student during the 2013-2014 school year.
- 3) Notify OCR (via regular mail or email) and the complainant of the PCSSD's determinations made pursuant to Action Item #1(2)(a) and (2)(b) and provide the complainant with notice of the PCSSD's system of procedural safeguards, pursuant to Section 504 at 34 C.F.R. § 104.36.
 - 4) If the Section 504 committee determines that compensatory services are necessary for the Student in accordance with Action Item #1(2)(b), then within thirty (30) calendar days of said determination, a plan will be developed which specifies the services to be provided to the Student, the manner in which the services will be provided, when the services will be provided, the individuals responsible for providing the services, and the length of time the services will be provided.

Reporting Requirements for Action Item #1:

- A) By July 30, 2014, the PCSSD will provide OCR with documentation demonstrating that it has timely completed Action Item #1 above. The documentation should include:
 - a. A copy of the notice sent to the complainant offering to convene a group of knowledgeable persons about the Student;
 - b. A copy of the complainant's response (if any);
 - c. A report that will include, at a minimum, any ARD meeting minutes and related documentation evidencing that the meeting occurred; a copy of the document evidencing the related aids and services the committee determined to be necessary to meet the Student's individual needs; documentation that the Student's teachers and all appropriate PCSSD personnel were notified of the related aids and services determined necessary for the Student; and a written statement reflecting the determination made by the committee with regard to compensatory services; and notices provided to the complainant in accordance with Action Item #1; and,
 - d. If the committee determines that compensatory services are necessary for the Student, then the PCSSD will provide documentation to OCR evidencing that the compensatory services deemed necessary for the Student have been provided, including information regarding the specific services provided and the individuals

responsible for providing the services, the manner in which the services were provided, and the length of time the services were provided.

Action Item #2:

- 1) By June 2, 2014, the PCSSD will provide the Student a reasonable amount of time to allow the Student to make up all assignments missed in any class during the student's six-day suspension in February 2014.

Reporting Requirements for Action Item #2:

- A) By July 30, 2014, the PCSSD will provide OCR documentation demonstrating that the student was given the opportunity to make-up missed assignments in her classes during the suspension referenced in Action Item #2 (1).

Signed:

Dr. Jerry Guess
Superintendent of Schools

Date