

Resolution Agreement
Sunflower County Consolidated School District
OCR Complaint No. 06141394

Sunflower County Consolidated School District (SCCSD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. By this Agreement, SCCSD commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and their respective implementing regulations, to resolve the compliance concerns identified during OCR's investigation of the above-referenced complaint. SCCSD understands that OCR will not close the monitoring of this Agreement until OCR determines that SCCSD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.3, 104.4, 104.33-104.36, and 28 C.F.R. § 35.130, respectively, which were at issue in this case. SCCSD 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, SCCSD understands that during the monitoring of this Agreement, if necessary, OCR may visit SCCSD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether SCCSD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II. SCCSD 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 SCCSD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. This Agreement does not constitute an admission by the District that it discriminated or otherwise engaged in any wrongdoing. SCCSD hereby voluntarily commits to the following:

ACTION ITEM 1: Training/Education

1.1 OCR acknowledges that on **7/22/14, 5/14/14, 8/13/14, 8/29/14, 9/2/14, 9/6/14, and 9/22/14**, SCCSD provided a campus-wide training regarding its obligation under Section 504 to provide a free appropriate public education (FAPE) to all qualified students with disabilities. The training was provided to all relevant personnel, including, but not limited to, school administrators, faculty, and counselors. The training was conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination. The training addressed:

- (a) SCCSD's policies and procedures for carrying out its responsibilities under Section 504 to provide a FAPE to each qualified disabled person in the district, regardless of the nature or severity of the person's disability; and
- (b) SCCSD staff members' obligation to fully implement any individualized education program (IEP) or Section 504 Plan that has been developed for a qualified student with a disability.

REPORTING REQUIREMENTS:

1.2 On **November 12 2014**, SCCSD provided OCR the training materials that were used or distributed during the training, including the date, time, and location of the training, the topics addressed at the training program, the identity of the individual(s) who conducted the training and the individual('s') qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing who attended the training. On **November 17, 2014**, OCR determined that the training appropriately addressed the District's responsibilities pursuant to Section 504.

ACTION ITEM 2: Student Remedies

2.1 By **November 21, 2014**, SCCSD will formally notify the complainant in writing of its willingness to evaluate XXXX (hereinafter the Student) need for compensatory education services pursuant to Section 504, at 34 C.F.R. §§ 104.33 and 104.35. The written notice to the complainant will state that the complainant has the option to refuse SCCSD's offer to evaluate the Student. If the complainant accepts SCCSD's offer to evaluate the Student, SCCSD will schedule an evaluation to determine the Student's eligibility for possible compensatory educational services in accordance with the regulatory requirements of Section 504. SCCSD will provide the complainant with a minimum of **14 calendar days** to respond to SCCSD's offer to evaluate the Student's need for disability-related aids and services.

2.2 If the complainant accepts SCCSD's offer to evaluate the Student pursuant to Item 2.1 above, SCCSD will complete such evaluation and determine whether and to what extent it should provide any compensatory educational services based on its failure to provide the Student with the requisite accommodations pursuant to her IEP during the 2013-14 school year, pursuant to the Section 504 regulatory requirements at 34 C.F.R. § 104.33, by **December 7, 2014**. SCCSD will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 2.1 above, including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the Student. OCR will review the documentation submitted to ensure that SCCSD met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34-104.36, in making these determinations.

2.3 If SCCSD determines that compensatory services are necessary for the Student to receive a FAPE, it will begin the provision of said services within **14 calendar days** after OCR's approval of its determination that the services are necessary.

REPORTING REQUIREMENTS:

2.4 By **December 17, 2014**, SCCSD will provide written documentation to OCR evidencing that Action Items 2.1 and 2.2 have been completed. This report should include, at a minimum, meeting minutes and related documentation evidencing that the notice of willingness to evaluate was provided to the complainant and that the evaluation meeting occurred, along with a written narrative evidencing how the committee made its decision, all information relied upon to reach

the decision, and a written statement reflecting the determination made by the committee with regard to disability-related aids and services.

3.5 If the committee determines that compensatory services are necessary for the Student to receive a FAPE, then **within 14 calendar days** after the conclusion of the first semester during which the services are provided, SCCSD will provide documentation to OCR evidencing that the compensatory services identified 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.

3.6 Within **14 calendar days** after the conclusion of the fall 2014 semester, and within **14 calendar days** after the conclusion of the spring 2015 semester, SCCSD will provide to OCR documentation evidencing that each of the related aids and services required pursuant to the Student’s IEP 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.

Dr. Debra Dace, Superintendent
Sunflower County Consolidated School District

Date

Printed Name and Title