



RESOLUTION AGREEMENT

Genoa Central School District OCR Reference Number: 06191340

Genoa Central School District (GCSD), in Texarkana, Arkansas voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office.

A. GENERAL TERMS & PRINCIPLES:

OCR and the GCSD 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 GCSD. GCSD assures the U.S. Department of Education, Office for Civil Rights (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 at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

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.

ACTION ITEM I

By **October 15, 2019**, the GCSD will develop or review its policies, procedures and common practices to ensure that students with disabilities are not excluded from participation in extracurricular activities because of their disability. GCSD will make modifications or revisions as are necessary to its existing policies and procedures so they are consistent with 34 C.F.R. § 104.4; 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130 (e.g., ensuring that the needs of students with disabilities are reviewed and considered prior to selecting extracurricular activities including dances; not requiring a parent to accompany a student in order for the student to attend).

REPORTING REQUIREMENTS

By **October 30, 2019**, GCSD will provide documentation to OCR that Action Item I has been fully implemented and that all relevant GCSD administrators, faculty, staff, and parents and guardians have been notified of the procedures. Documentation submitted will include a copy of its new or revised policies and procedures developed under Action Item I.

TRAINING & PROFESSIONAL DEVELOPMENT:

ACTION ITEM II

By **November 30, 2019**, the GCSD will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education to all qualified students with disabilities attending its schools and Section 504's and Title II's prohibitions of disability discrimination. The training must be provided to the GCSD High School administrator. The

training will be conducted by a person or persons with expertise in FAPE and the inclusion of disabled students in extracurricular activities. The training must address, at a minimum, the following:

- i. The GCSD's obligation to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability; and
- ii. The GCSD's obligation to ensure that its programs and activities, including extracurricular activities, are made available to students with disabilities to the same extent as they are made available to students without disabilities.

Reporting Requirements: Action Item II

By **December 20, 2019**, GCSD will provide to OCR documentation demonstrating that the GCSD High School administrator received the training referenced in Action Item II, including the date(s) of the training; the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training.

ACTION ITEM III

By **January 10, 2020**, the GCSD will conduct training regarding its obligation under Section 504 and Title II to provide a free appropriate public education to all qualified students with disabilities attending its schools and Section 504's and Title II's prohibitions of disability discrimination. The training must be provided to all other relevant personnel at GCSD including, but not limited to, principals, special education coordinators, Section 504/Title II coordinators, teachers, teacher's aides, and counselors. The training will be conducted by a person or persons with expertise in FAPE and the inclusion of disabled students in extracurricular activities. The training must address, at a minimum, the following:

- i. The GCSD's obligation to fully implement any individualized education program or Section 504 plan that has been developed for a qualified student with a disability; and
- ii. The GCSD's obligation to ensure that its programs and activities, including extracurricular activities, are made available to students with disabilities to the same extent as they are made available to students without disabilities.

Reporting Requirements: Action Item III

By **February 20, 2020**, GCSD will provide to OCR documentation demonstrating that relevant personnel have received the training referenced in Action Item III, including the date(s) of the training; the names, titles, contact information, and qualifications of the trainer(s); a copy of all materials used and distributed during the training; and a sign-in sheet with the names and titles of individuals who attended the training.

ACTION ITEM IV

Section 504 Evaluation and Placement Policies

By **October 15, 2019**, the GCSD shall develop, or review and modify, as necessary, its policies and procedures for the evaluation and placement of persons who, because of disability, need or are believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement in accordance with the provisions of Section 504 at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130.

REPORTING REQUIREMENTS ACTION ITEM IV:

By **October 30, 2019**, GCSD will provide documentation to OCR that Action Item IV has been fully implemented and that all relevant GCSD administrators, faculty, staff, and parents/guardians have been notified of the procedures. The documentation submitted to OCR will include the following: (1) a copy of its new or revised policies and procedures including any printouts or a link to all online publications of the revised Section 504 policies; and (2) an e-mail from the GCSD superintendent or building principals to all GCSD staff providing a copy of, or a link to, the revised Section 504 policies.

ACTION ITEM V

By **September 30, 2019**, the GCSD will notify the Student's parents that they may reenroll the Student into the GCSD. The GCSD will allow the Student's parents at least thirty (30) days, from the date of notification, to inform the GCSD of their decision to re-enroll. The notification will also inform the Student's parents that, if the Student reenrolls, a group of knowledgeable persons, as defined by Section 504, will convene to consider whether the Student needs compensatory and/or remedial services, such as tutoring or counseling, as a result of any failure on the part of the GCSD to provide appropriate regular and/or special education or related services to the Student during the 2018-19 school year. If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the final day of school year 2019-2020. The GCSD will provide the Student's parent(s)/guardian(s) notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements: Action Item V

- a. By **November 8, 2019**, the GCSD will submit to OCR a copy of the written notification sent to the Student's parents, pursuant to Action Item V, and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.). The GCSD will also submit to OCR documentation evidencing the Student's parents' response to the notification.

- b. If the Student reenrolls, the GCSD will submit to OCR documents supporting the group’s decision, by **January 20, 2020**. The documentation submitted shall include:
- i. A list of all participants in the meeting (including names, titles, role in the meeting);
 - ii. Records of all information considered during the meeting;
 - iii. Minutes or notes from the meeting;
 - iv. An explanation of the decisions made during the meeting;
 - v. A description of and schedule for any compensatory and/or remedial services (if any) determined appropriate for the Student; and
 - vi. A copy of the written notification sent to the Student’s parent(s)/guardian(s) concerning the meeting and proof of transmission (e.g., email chain, certified mail and tracking receipt, etc.).
- c. If compensatory and/or remedial services are deemed necessary, by **June 1, 2020**, the GCSD will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided and how it was provided, and the names, titles, and contact information (telephone numbers and email addresses) of the service providers.

A. GENERAL PROVISIONS

The GCSD 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 GCSD 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 GCSD has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.37, and Title II and its implementing regulation, at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this agreement, OCR shall close and dismiss this case.

The GCSD 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 GCSD 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 GCSD’s representative below.

/s/

Angela Bryant, Superintendent
Genoa Central School District

Date