

Resolution Agreement
OCR Case No. 07-19-1253
Greenwood School District

The U.S. Department of Education (Department), Office of Civil Rights (OCR) and the Greenwood School District (District) enter into this agreement to resolve the allegations in the above-referenced complaint filed under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance (FFA), and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35 which prohibit discrimination on the basis of disability by public entities

Before OCR completed its investigation, the District agreed to resolve the complaint pursuant to Section 302 of OCR's *Case Processing Manual*.¹ OCR has not made any conclusions of law or issued a final determination with regard to this complaint. While the District agrees to take the following actions, nothing contained in this Agreement shall be construed as an admission on the part of the District to the allegations in the complaint.

Individual Remedies

1. If the Student reenrolls in school in the District, the District will identify and convene a multi-disciplinary team for the Student. The multi-disciplinary team will determine whether the Student's 504 plan or Individualized Education Program (IEP) from the school he previously attended provides a free appropriate public education (FAPE). If so, the District will continue to implement the Student's 504 plan or IEP from the school he previously attended. If not, the District will promptly evaluate the Student and determine an appropriate educational placement for the Student consistent with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33, 104.34 and 104.35.² The District will draft and implement a 504 plan or IEP setting forth the Student's educational placement and the services he is to receive.³ The actions required by Item 1 are intended to be consistent with federal law and Arkansas Department of Education special education regulations.
2. The District will provide the Complainant with written notice of its procedural safeguards that are consistent with the regulation implementing Section 504 at 34 C.F.R. § 104.36.

¹ The *Case Processing Manual* is available on OCR's website at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

² The evaluation will include consideration of the Student's eligibility for special education services.

³ Some steps in the evaluation and placement process require parental consent. Lack of parental consent should be handled in accordance with the regulations implementing Section 504 or the Individuals with Disabilities Education Act (IDEA).

REPORTING REQUIREMENT: If the Student reenrolls in school in the District, within 10 days of the Student’s reenrollment, the District will notify OCR in writing of the Student’s date of reenrollment in the District.

REPORTING REQUIREMENT: Within 10 days of the Student’s multi-disciplinary team meeting referenced in Item 1 above, the District will notify OCR of the team’s determination regarding the Student’s 504 plan or IEP from the school he previously attended and submit documentation that it provided the Complainant written notice of its procedural safeguards.

REPORTING REQUIREMENT: If applicable, within 10 days of the completion of the Student’s reevaluation⁴ and subsequent placement, the District will provide OCR with a copy of the District’s reevaluation⁵ summary, a copy of the Student’s resulting 504 plan or IEP, and documentation it has provided the Complainant written notice of its procedural safeguards.

REPORTING REQUIREMENT: Within 10 days of the last day of the 2019-20 school year, and again within 10 days of last day of the first semester of the 2020-21 school year, the District will provide OCR a copy of the Student’s 504 plan(s) or IEP(s) in effect during each semester and documentation of its implementation of the 504 Plan(s) or IEP(s).

REPORTING REQUIREMENT: If applicable, within 10 days of the last day of the 2019-20 school year, and within 10 days of last day of the first semester of the 2020-21 school year, the District will notify OCR in writing if the Student has not reenrolled in the District during that term.

Training

3. The District will ensure District personnel, including administrators, faculty, and staff, are effectively trained regarding the requirements of Section 504, including their obligation to identify and evaluate any student who because of disability needs or is believed to need special education or related services; to provide a FAPE to qualified students with a disability; and to provide notice of the District’s procedural safeguards to parents or legal guardians of students who because of disability need or are believed to need special education or related services.

REPORTING REQUIREMENT: By _____, the District will provide documentation to OCR demonstrating that the training required by Item 3 of the Agreement was provided to District personnel, including administrators, faculty, and staff. The documentation will include: the date(s) of the training; the name(s) and credentials of the presenter(s); copies of any materials used during the training, including any handouts, guides or other materials; and sign-in sheets showing who attended the training.

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.

⁴ Or initial evaluation for special education, if applicable.

⁵ Or evaluation summary, if applicable.

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 Section 504 and its implementing regulation at 34 C.F.R. § 104.33, 104.34, 104.35, and 104.36. Upon completion of the obligations under this Agreement, OCR shall close this case.

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

/s/
Superintendent or Authorized Designee
Greenwood School District

1-24-2020
Date