

## **RESOLUTION AGREEMENT**

Fouke School District  
OCR Case No. 07211154

The U.S. Department of Education, Office for Civil Rights (OCR) and Fouke School District (District), in Fouke, Arkansas, voluntarily enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint, pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup>

This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

**Action Item 1:** By December 31, 2021, the District will create placement procedures for students with disabilities before taking any action with respect to the initial placement of the person in regular or special education consistent with the procedural requirements of Section 504, 34 C.F.R. §§104.31-104.36.

**REPORTING REQUIREMENT 1:** By January 30, 2022, the District will provide documentation to OCR demonstrating that the District has placement procedures in place to comply with Item 1 of the Agreement. The documentation shall include copies of the policies and procedures and evidence of adoption and publication.

**Action Item 2:** The Student is no longer enrolled in the District, however, if the Student reenrolls in the District, the District will apply the placement procedures created pursuant to Action Item 1 to the Student. Additionally, the District will include a copy of this Agreement in the Student's permanent District record.

**REPORTING REQUIREMENT 2:** By November 17, 2022, the District will provide OCR with evidence that this Agreement has been included in the Student's permanent District record as required by Action Item 2 of this Agreement.

The District 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 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 it 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. Upon the completion of the commitments made under this Agreement, OCR will close this case.

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<sup>1</sup> The Case Processing Manual is available at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

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.C. §§ 100.09, 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.

This Agreement will become effective immediately upon the signature of the Fouke School District's representative below.

\_\_\_\_\_  
Superintendent  
Fouke School District

\_\_\_\_\_  
Date