

**Resolution Agreement  
Central Consolidated School District  
Complaint Number 08-20-1130**

In order to resolve allegations 3 and 4 in Case Number 08-20-1130, filed against the Central Consolidated School District (District) with the Office for Civil Rights (OCR) of the U.S. Department of Education, pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 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. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement.

This Agreement shall not in any way be construed as an admission by the District that it has acted wrongfully or violated any laws or that OCR made any finding of wrongdoing or legal violation, and the District specifically disclaims any liability to or wrongful acts against the Student or any other person.

Revision of Policies

1. Within ninety (90) calendar days of this Agreement being signed, the District will review and revise its policies and procedures related to the discipline of students with disabilities to ensure that all District forms and/or checklists indicate that the District will conduct a manifestation determination hearing prior to any change in placement of a student with disabilities, regardless of whether such student is a student on a 504 plan or a student with an individualized education program (IEP).

**REPORTING REQUIREMENTS:**

The District will provide to OCR for review its draft revised policies and procedures. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the revised policies. Within ten (10) calendar days of receiving OCR’s final approval of the revised policies, the District will publish the revised policies on its website and provide OCR a working link to the published policies. The District shall also provide OCR electronic copies of all forms, checklists, or internal guidance or policies that are not published on its website.

Training

2. Within fourteen (14) calendar days of the publication of the policies and procedures described in Agreement Item 1, the District shall inform all School-level administrators and special education staff of the revised policies and procedures by providing training, by means of a power point or other suitable electronic presentation.

**REPORTING REQUIREMENTS:**

Within seven (7) calendar days of providing the training to District staff, the District will provide to OCR a copy of the training provided to District staff and documentation sufficient for OCR to determine the training has been provided to District staff.

### Individual Remedies

3. Within sixty (60) calendar days of this Agreement being signed, the District will convene a team meeting, following the procedures set forth in the Section 504 regulation at 34 C.F.R. §§ 104.35 and 104.36, to determine whether the Student was denied a free appropriate public education (FAPE) between xxxxx 7, 2019, when the Student was suspended, and xxxxx 30, 2019, when the Student was provided transportation to the interim alternative education setting (IAES), or after xxxxxx 30, 2019, as a result of inconsistent communication between staff at the Student's school and IAES staff. In addition, the team shall determine what, if any, compensatory educational services are necessary for any failure to provide the Student FAPE during the period between xxxxx 7, 2019 and xxxxxx 30, 2019, when the Student was not receiving services in a District school or after xxxxxxxx 30, 2019, when the Student was placed at the IAES.

### **REPORTING REQUIREMENT:**

Within fourteen (14) calendar days of the conclusion of the team meeting, the District shall send OCR documentation of the results of the team meeting, including the meeting agenda and list of participants, all documentation considered at the meeting, all documentation provided to or by the Complainant, agreements made at the meeting, and determinations made by the team. For each determination made by the team, the District shall provide OCR all documentation necessary to support the determination and an explanation of the reasons for it and any objections to it. The District shall also provide documentation sufficient to show the manner in which any compensatory services, if any, will be provided to the Student.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

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 this Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview employees and students of the District, 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 the regulation implementing Section 504 and Title II, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

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

For Central Consolidated School District

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Amanda Sutherland  
Interim Superintendent

\_\_\_\_\_  
Date