

Voluntary Resolution Agreement
Wilson County Public Schools
OCR Complaint No. 11-14-1041

Wilson County Public Schools (the District), specifically, XXXX (the School) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-14-1041.

1. Within twenty (20) calendar days of the date of this Agreement, the District/School shall offer to the Complainant, in writing, the opportunity to have the School convene a meeting in accordance with 34 C.F.R. §104.35 to reevaluate the Student to determine if he is eligible for special education or related aids or services and, if so, if his individualized education program, including the behavioral plan, need to be modified to meet his individual needs. If the Complainant accepts the School's offer, within 20 calendar days from the date of the Complainant's response, the School shall reevaluate the Student, in accordance with 34 C.F.R. § 104.35(c). The School shall consider all medical and other documentation provided to the School to date and also consider whether it needs to conduct any further assessments of the Student.

Reporting Requirements:

- By May 28, 2014, the District will provide OCR with documentation to show that it has completed item number 1 above. The documentation shall include copies of the offer to re-evaluate the Student and the Complainant's response; if the Complainant accepts the offer to reevaluate the Student, a copy of all meeting notes; the names and titles of the participants and each participant's knowledge of the Student or the Student's disabilities; the information that the School considered in making a determination; and the rationale for the determination.
2. By May 28, 2014, the District will convene a group of persons knowledgeable about the Student (such as the IEP Team if already established), including the Complainant, to determine whether the Student requires compensatory and/or remedial services (i.e., including counseling services, reimbursement for transportation costs) for the time period the student did not receive the special education or related services determined appropriate pursuant to paragraph 1 above. The group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond August 2014. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when, and will become part of the Student's Section 504 plan [or IEP]. The District will provide the Student's parent with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards

available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

Reporting Requirements:

- a. By May 28, 2014, the District will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting referenced in paragraph 2 above; including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to the Student. This information should also include the names and titles of all meeting participants. OCR will review the documentation submitted to ensure that the District meets the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
 - b. Within fifteen (15) days after OCR's review and approval of the information submitted as a part of Reporting Requirement a above, the District will provide the parent (or legal guardian) with written notice, and a copy also to be sent to OCR, of the outcome of the meeting, including a description of the educational loss, and provide the Student and parent with a written offer regarding the District's provision of the compensatory educational services to the Student (including a description of how the services will be provided and a proposed timetable) that informs the Complainant of the outcome (i.e. any determination made and the rationale for the determinations) of the meeting held as a result of paragraph 2 above.
 - c. If the Student and parent or legal guardian accept the District's offer, the District will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the Student's acceptance of the District's offer, or at a later date, if agreed upon by the Student and parent or legal guardian. The compensatory education program shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program and have a completion date not to extend beyond August 2014.
 - d. By July 25, 2014, the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s).
3. By October 31, 2014, the District will conduct an administrative review to identify all students currently enrolled in the School who were evaluated or re-evaluated, or who should have been evaluated or reevaluated (including due to a change in placement as the result of disciplinary removals), during the 2013-2014 school year to determine whether the students were eligible for special education or related aids and services or required a change in placement/services to meet the student's individual needs. For each student the District evaluated/re-evaluated,

during the 2013-2014 school year, the District shall assess whether the evaluation was conducted consistent with the procedural requirements of 34 C.F.R. §104.35(c). The District shall evaluate/re-evaluate each student who the District either failed to evaluate/re-evaluate, or who was evaluated/re-evaluated in a manner not consistent with 34 C.F.R. §104.35(c). To the extent that evaluation or re-evaluation is warranted, it will be conducted consistent with the evaluation, placement, and procedural safeguard requirements of 34 C.F.R. §§ 104.35 and 104.36. If the District determines based on its evaluation that any student is a qualified individual with a disability and was entitled to special education or related services for that disability during the 2013-2014 school year, the District will determine whether the provision of compensatory educational services or other appropriate relief is warranted. If compensatory services are warranted, the District will offer compensatory educational services to affected students, as appropriate, along with a timetable for delivery of those services.

Reporting Requirements:

By November 7, 2014, the District will provide verification of its administrative review in accordance with paragraph 3 above, including an explanation of the criteria used to determine if a student needed to be evaluated or reevaluated.

By December 1, 2014 for any student whom the District/School evaluates or reevaluates the District will provide documentation of its evaluation, including meeting notes, a list of attendees, and information considered. For any student determined to be a qualified individual with a disability and entitled to special education or related services for that disability, the District will document its findings as to whether the provision of compensatory education services or other appropriate relief is warranted. For each student entitled to compensatory services, the District will provide documentation of its offer of compensatory services along with a timetable for delivery of services.

4. By November 12, 2014 the District will provide training, or coordinate with OCR to provide training, to relevant School personnel, including all teachers, nurses, administrators, and any personnel responsible for identifying students who may be eligible for special education or related services and developing students' Section 504 plans, about the procedural requirements of Section 504 in identification, evaluation, and placement and the District's procedures for meeting these requirements. The training will address, at a minimum, the District's responsibility to and its process for identifying and evaluating or re-evaluating students believed to need special education services and the procedural requirements set forth in 34 C.F.R. §104.35(c). The training will also include the requirement to conduct a manifestation determination meeting prior to removing a student with a disability from school for more than 10 days, including cumulative days.

Reporting Requirements:

By December 1, 2014 the District will provide for OCR's review and approval a copy of the training materials prepared, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed.

Within 10 business days of the completion of the approved training programs, the District will submit to OCR the name(s) and title(s) of the trainer(s), the date of the training, the material used or disseminated, and the sign-in sheets indicating the names and titles of participants.

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 this Agreement, if necessary, OCR may visit the District, interview staff and students, and request additional reports or data as necessary for OCR to determine whether the District fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which was at issue in 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 a minimum of sixty (60) calendar days to cure the alleged breach.

/S/

5/6/2014

Superintendent,
Wilson County Public Schools

Date: