

Voluntary Resolution Agreement Horry County Schools OCR Complaint #11-14-1094

Horry County School District (the District) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve the above-referenced complaint.

1. For every student with a disability who is recommended for assignment to an alternative school in the District, the District will conduct a manifestation determination review (MDR) to determine whether or not the student's behavior that led to the alternative school recommendation is related to the Student's disability. This MDR will include documentation of the information the review team considered and the content of the discussion during the review. An MDR will be held for all students with disabilities that are currently enrolled in the District, regardless of whether the incident triggering the recommendation for the change in placement occurred on or off school property, and regardless of whether the student has been incarcerated in a state or Federal facility in the interim.

REPORTING REQUIREMENT: The District will provide for OCR's review and approval a report of all students with disabilities recommended for assignment to any alternative school in the District as of September 15, 2014, January 15, 2015, July 15, 2015, September 15, 2015 and January 15, 2016. This report will include the date of the disciplinary infraction, a description of the infraction, the date of the student's enrollment in the alternative school (if applicable), the length of time each student is required to attend the alternative school (if applicable), the date of the MDR held for each student, meeting minutes from the MDR (including the name and title of each participant and a description of all information considered), and the final outcome of the MDR.

2. Any student with a disability transferring into the District from any other district, alternative school or program, or state or Federal detention facility, who is placed at any alternative school in the District, will be placed according to the procedures outlined in 34 C.F.R. §104.35(c).

REPORTING REQUIREMENT: The District will provide for OCR's review and approval a report of all students with disabilities transferring into the District from any other district, alternative school or program, or state or Federal detention facility, who are placed at any alternative school in the District, on: September 15, 2014, January 15, 2015, July 15, 2015, September 15, 2015, and January 15, 2016. This report will include all students with disabilities who have been assigned to an alternative school since the last report to OCR, their dates of enrollment, the length of time each student is required to attend the alternative school, the date of the placement meeting held for each student, and

meeting minutes from the placement meeting (including the name and title of each participant and a description of all information considered).

3. For each student whose Section 504 plan, Individualized Education Program (IEP), or Behavioral Intervention Plan (BIP) was developed, amended or altered during the 2013-2014 school year because of the available placement options or related aids and services at any District alternative school rather than based on the individualized needs of the student, the District will conduct an individualized review to determine whether the student is eligible to receive compensatory educational services as a result of not receiving appropriate disability-related aids and services while placed at the alternative school. In conducting this review, the District will follow the procedural requirements applicable to actions regarding the identification, evaluation, and placement of students with disabilities, in particular: ensuring that decisions are made by a group of persons knowledgeable about the student, the data, and educational settings; relying on appropriate evaluation materials; and ensuring that the placement decision is made in conformity with 34 C.F.R. §104.34. The District will provide each such student's parents 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 REQUIREMENT:

- a. By August 20, 2014, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Item 3 above; including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services to each student. OCR will review the documentation submitted to ensure that the District met 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. By August 20, 2014, the District will provide each parent (or legal guardian) with written notice 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). The District will also provide OCR with a copy of each offer letter.

- 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.

Upon completion, but no later than January 15, 2015 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). The District will also provide OCR with documentation of any offer rejected by the student and parent or legal guardian.

4. The District will ensure that no student is denied FAPE as the result of the development, amendment, or alteration of his or her Section 504 plan, IEP, or BIP due to the available placement options or related aids and services at any District alternative school. Rather, any student plan that is developed, amended, or altered while the student is placed at an alternative school must be based on the individualized needs of the student, designed to provide the student a FAPE, and must ensure that the student remains in the least restrictive environment.

REPORTING REQUIREMENT: The District will provide for OCR's review and approval a report of all students with disabilities whose 504 plan, IEP, and/or BIP was developed, amended, or altered because of the available placement options or related aids and services at any District alternative school rather than based on the individualized needs of the student semiannually on: January 15, 2015, June 15, 2015, January 15, 2016, and June 15, 2016. This report will include the meeting minutes for the meeting in which the plan was developed, amended, or altered, as well as the final 504 plan, IEP, and/or BIP for each student.

5. The District will provide training to all District administrators and staff involved in placement decisions and MDRs for students with disabilities, regarding the placement and discipline of students with disabilities, as well as the general requirements of Section 504.

REPORTING REQUIREMENT: By July 15, 2014, the District will provide OCR with an outline of the content of the training and the name and credentials of the individual who will be providing the training, for OCR's review and approval.

REPORTING REQUIREMENT: By August 20, 2014 the District will provide OCR with documentation that the approved training was provided, including sign-in sheets for attendees, the agenda, and a copy of training materials.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the regulation implementing Section, at 34 C.F.R. Part 104, which was 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 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 regulations implementing Section 504 and Title II.

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.

FOR THE DISTRICT:

/s/
Name

6/23/2014
Date

Title