

Resolution (303) Agreement
Jasper County Public Schools
OCR Case No. 11-14-1141

Jasper County Public Schools (the District) agrees to fully implement this Resolution Agreement (the Agreement) to resolve compliance concerns identified by OCR during its investigation of the above-referenced complaint that was filed with the District of Columbia Office for Civil Rights (OCR). When fully implemented, the District will be in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations.

Manifestation Determination Review

1. By October 10, 2014, after providing proper written notice to the Student, the District will convene a team of persons who are knowledgeable about the Student, the meaning of evaluation data and information and possible placement options. The Team will review all relevant data and information regarding the Incident that occurred on XXXX, and the Student's discipline record for the 2013-2014 school year and determine whether the conduct that gave rise to the Incident was a manifestation of the Student's disability.
2. If, during the MDR team meeting, it is determined that the Student was expelled for conduct related to the Student's disabling condition(s), then within 10 school days of the MDR meeting, the District will ensure that the following actions are expeditiously taken:
 - (a) the Student's discipline record is expunged of any and all information and discipline actions related to the XXXX Incident;
 - (b) the Student is offered the opportunity to return to the regular school environment. Contingent upon the Student's acceptance of the offer, the District may need to convene an IEP team meeting to review current data, analyze the need for additional data, and develop an IEP;
 - (c) a determination is reached (by a group of knowledgeable persons) as to whether the Student needs compensatory and/or remedial services as a result of the Student's removal from school following the XXXX Incident. If so, within 10 school days of its determination, the group will develop a plan for providing timely compensatory and/or remedial services to begin within 15 school days of the date of the District's receipt of the Student's acceptance, or at a later date if agreed upon by the student, and a completion date to be determined by the IEP team, but not to extend beyond the 2014-2015 school year; and
 - (d) a determination is reached as to whether, as a result of the Student's enrolling at the XXXX, XXXX incurred any increased transportation-related expenses (above any transportation expenses that would have normally been incurred).

Reporting Requirements: Within 10 school days of the date that the MDR meeting is conducted, the District will provide OCR with a copy of the notes of the MDR meeting, as well

as documentation evidencing the Team's decision and the names and titles of each person who participated in the MDR meeting. If the MDR Team determines that the Student was expelled for conduct that *was* a manifestation of the Student's disability, then the District will also provide OCR with documentation evidencing that the Student's record has been expunged; a copy of the communication inviting the Student to return to the School; and a copy of the District's plan or timeline for offering to provide the Student compensatory education and special education services. 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.

The District also will provide written notice (a copy also to be sent to OCR) of the outcome of the meeting(s) including, as necessary, a written offer to provide the Student compensatory educational services and a proposed timetable or plan for the provision of such services. Contingent upon the results of the MDR, and the Student's acceptance of the District's offer, the District will begin providing the services to the Student within 15 school 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. The compensatory education services shall be delivered in a manner so as not to hinder the delivery of any services that may be required by the Student's current educational program and have a completion date not to extend beyond the conclusion of the 2014-2015 school year. By June 5, 2015, or within 10 school days of completion of compensatory services, 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).

If the MDR Team determines that the Student was expelled for conduct that *was* a manifestation of the Student's disability, and that XXXX incurred increased transportation-related expenses, then within 30 school days of the MDR determination, the District will provide OCR with a copy of the timeline for reimbursing XXXX for any increased transportation-related expenses, or provide a copy of documentation (e.g., a copy of the check, draft, etc.) showing that reimbursement has been made and how delivered (i.e., by mail, hand-carried, etc.).

Training:

1. By October 10, 2014, the District will develop training materials for administrative staff and teachers at the School on the District's policies and procedures for discipline of students with special needs, as well as Section 504 policies and procedures related to discipline of students with disabilities.
2. Within 30 calendar days of OCR's review and approval of the District's training materials, the District will finalize its training materials and conduct training for School administrators and teachers.

Reporting Requirements:

By October 10, 2014, the District will provide OCR with the name, title and qualifications of the trainer/facilitator and a copy (or outline) of the proposed training materials for OCR's review and approval. Within 30 calendar days of receipt of the proposed training materials, OCR will review

