

Resolution Agreement
Charleston County School District
OCR Complaint No. 11-14-1343

Charleston County School District (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-14-1343. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. By April 13, 2015, the District will convene a meeting to revise the Student's Behavior Intervention Plan (BIP) to specify the limited circumstances under which XXXX. The development of the revised BIP will comply with the requirements of 34 C.F.R. § 104.35(c), including that participants involved in the decision include individuals knowledgeable about the Student, her disabilities and the meaning of any evaluation data.

Reporting Requirement

By April 20, 2015, the District will submit for OCR's review and approval documentation confirming the meeting and decision-making of District staff in determining the development of a revised BIP for the Student, including the meeting minutes and a copy of the revised BIP that was developed. The documentation will also include verification that the process for the development of a revised BIP met the requirements of 34 C.F.R. § 104.35(c).

2. By April 30, 2015, the District will provide training to all School administrators, student concern specialists, the Student's case manager, and any special education and general education teachers who provide instruction to the Student on the specific terms of the Student's current IEP and BIP that address the Student's behavior issues, including all revisions to the Student's BIP made pursuant to Provision 1 above.

Reporting Requirement

By April 10, 2015, the District will provide OCR with a draft of the training materials including a proposed agenda and handouts for OCR's review and approval.

Within 10 days of the completion of the training session(s), the District will provide a copy of the finalized training materials, training agenda, a sign in sheet of attendees, and copies of any documents distributed during the training.

3. By May 29, 2015, the District will provide training to all School administrators, case managers, student concern specialists, and special education and general education teachers on the District's policies and procedures concerning implementation of BIPs. The training will include procedures for disseminating BIPs to teachers and other relevant staff at the beginning of each semester and ensuring that teachers are prepared to implement their students' BIPs. The training will also include procedures for informing teachers and other relevant staff of any revisions to students' BIPs and disseminating copies of revised BIPs.

Reporting Requirement

By May 8, 2015, the District will provide OCR with a draft of the training materials including a proposed agenda and handouts for OCR’s review and approval.

Within 10 days of the completion of the training session(s), the District will provide a copy of the finalized training materials, training agenda, a sign in sheet of attendees, and copies of any documents distributed during the training.

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 of the Rehabilitation Act at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which are at issue in this case.

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 regulations implementing Section 504 of the Rehabilitation Act at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which are 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/_____
Superintendent (or designee)
Charleston County School District

_ 3/17/15 _____
Date