

Resolution Agreement
Charleston County Public School District
OCR Case No. 11-15-1390

In order to resolve Case No. 11-15-1390, the Charleston County Public School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, it will take the actions set forth below.

Action Item 1:

By December 15, 2016, the District will send written notification to the Complainant regarding the process for requesting disability-related testing modifications/accommodations to the College Board (the Board) or through the School's Services for Students with Disabilities (SSD) Coordinator.

Reporting Requirement: By January 14, 2017, the District will provide documentation to OCR demonstrating that written notification was provided to the Complainant consistent with Action Item 1 above.

Action Item 2:

By February 13, 2017, and subject to OCR's prior review and approval, the District will provide training to all XXXX School (the School) staff and administrators and/or other relevant personnel responsible for ensuring the implementation of the Student's Section 504 Plan, regarding the District's obligations to provide the Student with the special education and related aids and services, as required by the Student's Section 504 Plan and pursuant to Section 504 and the ADA. The training will include at a minimum instruction regarding: (a) the District's responsibility to provide a free appropriate public education (FAPE) under the regulation implementing Section 504, at 34 C.F.R. §104.33; (b) the responsibility of District staff to provide students with the special education and other related aids and services, as determined necessary by a group of knowledgeable persons (such as the Section 504 Team), including, for any Advanced Placement (AP) courses and on AP or other Board exams; (c) the District's obligation to maintain timely, detailed, and accurate documentation regarding the provision of services to the Student; and, (d) the District's obligation to track and/or monitor the provision of services to the Student, to ensure that all required services are provided.

Reporting Requirements:

1. By December 15, 2016, the District will provide for OCR's review and approval, a draft of the training, including any materials, to be provided as described in Action Item 2.
2. Within 60 calendar days of written notification from OCR of its approval of the training, the District will provide documentation to OCR demonstrating that training

was provided consistent with Action Item 2 above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

Action Item 3:

By January 14, 2017, the District will develop a written protocol, for administrators and others who provide oversight to students with disabilities, which informs students/parents of the District's procedures regarding how to apply for testing modifications/accommodations for Board examinations. The protocol will (i) explain and/or clarify whether students/parents are required to request such testing modifications/accommodations directly through the Board or with the assistance/facilitation of the each school's SSD Coordinator; (ii) describe the District's role in facilitating such requests and procedures; and (iii) provide for a tracking mechanism to ensure that students enrolled in AP courses, with Section 504 Plans, Individualized Education Program(s), or other plans, which require the provision of testing modifications/accommodations, are provided with timely written notification of the School's procedures regarding requests for testing modifications/accommodations on Board exams.

Reporting Requirements:

1. By December 15, 2016, the District will provide for OCR's review and approval, a draft of the written protocol described in Action Item 3.
2. Within 30 calendar days of written notification from OCR of its approval of the language and procedures, the District will provide documentation to OCR demonstrating that the revised protocol was adopted and implemented and that all staff, parents, and students were provided with written notification regarding the protocol; such as copies of or a link to its revised staff, parent, and student handbooks and any other publications that contain the protocol, a link to its webpage and where the protocol is otherwise located.

Action Item 4:

Within 60 calendar days of written notification from OCR of its approval of the revised protocol as described in Action Item 3 above and subject to OCR's prior review and approval, the District will provide training to (i) those District/School personnel responsible for providing oversight for AP courses; and (ii) those District/School personnel responsible for developing and ensuring the implementation of Section 504 Plans, IEPs, or any other individualized education program detailing the provision of special education and related aids and services to students with disabilities. The training will explain the District's obligations to provide students with disabilities with special education and related aids and services, as required by students' Section 504 Plans, IEPs, or other plans, and pursuant to Section 504 and the ADA, and will include at a minimum instruction regarding: (a) the District's responsibility to provide a FAPE under the regulation implementing Section 504, at 34 C.F.R. §104.33; (b) the responsibility of District staff to provide students with the special education and other related aids and services, as determined necessary by a group of knowledgeable persons (such as the Section 504 or IEP Team), including for any AP courses and on AP or other Board exams, regardless of grade level; (c) the

District’s obligation to maintain timely, detailed, and accurate documentation regarding the provision of services to students with disabilities; (d) the District’s obligation to track and/or monitor the provision of services to students with disabilities, to ensure that all required services are provided; and, (e) the District’s revised protocol regarding the provision of testing modifications/accommodations on Board examinations for students with disabilities, as described in Action Item 3 above.

Reporting Requirements:

1. Within 30 calendar days of written notification from OCR of its approval of the protocol as described in Action Item 3 above, and no later than January 14, 2017, the District will provide for OCR’s review and approval, a draft of the training, including any materials, to be provided as described in Action Item 4.
2. Within 30 calendar days of written notification from OCR of its approval of the training, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

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 regulation implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104, 28 C.F.R. Part 35, 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.

By: _____ /S/ _____ Date: _____
12/7/16
Dr. Gerrita Postlewait
Superintendent
Charleston County Public School District