

RESOLUTION AGREEMENT
Dillon School District Four
OCR Case No. 11-15-1398

Dillon School District Four (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-15-1398. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

1. By April 19, 2016, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of developing a plan for providing compensatory and/or remedial services to the Student for the time period that the Student was not evaluated for appropriate regular and/or special education or related services, from the start of the 2012-2013 school year to December 1, 2015. If deemed appropriate, the group will develop a plan for providing timely compensatory and/or remedial services, with a completion date not to extend beyond March 15, 2017. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District met the procedural and other 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 15 days of OCR's procedural feedback regarding the District's determination of any compensatory educational services and/or other appropriate relief, the District will contact the Complainant in writing, provide notice of the outcome of the meeting, outline the rationale for the determination, including a description of the Student's educational loss, and offer to provide the Student with compensatory educational services, if applicable. The District will also provide the Complainant a copy of its plan for providing those services. If the Complainant accepts the District's offer, the District will begin to provide the services within 7 days from the dates of its receipt of the Complaint's acceptance, or a later date, if agreed upon by the Complainant. The compensatory educational services shall be delivered in a manner so as not to hinder the delivery of any services required by the Student's current educational program.

- c. By April 1, 2017, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, any service logs or other supporting documentation (if applicable), and the name(s) of the service provider(s).
2. By October 15, 2016, the District will provide training to all administrators and instructional staff on the requirements of Section 504 and Title II. The training will emphasize the District's obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services. The District will also develop and disseminate a memorandum to all instructional staff and administrators in the District reminding them of their obligation under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids or services. This memorandum will also include the contact information (including name, title, address, telephone number, and e-mail address) for the District's Section 504 Coordinator, and will explain who in the District/individual school instructional staff or administrators should contact if they suspect that a student needs special education and/or related aids or services.

Reporting Requirements:

- a. At least 10 days before the proposed training, the District will provide OCR with the title and qualifications of the trainer, copies of the agenda and any training materials, and a copy of the memorandum, for OCR's review and approval to ensure that the proposed training and memorandum satisfy the requirements of Action Item 2.
- b. Within 10 days after the training, the District will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); (b) a list of names and titles of the District personnel who participated in each training session; and (c) confirmation that the approved memorandum was issued to all District staff identified above.

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 regulations implementing Section 504 and Title II.

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 regulations implementing Section 504 and Title II, which were 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:
3/22/16
Douglas Ray Rogers, Superintendent