

**RESOLUTION AGREEMENT**  
**Florence School District Two**  
**OCR Complaint No. 11-16-1182**

Florence School District Two (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-16-1182. 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.

Action Item 1: Within three weeks of the date this Agreement is signed, after providing proper written notice to the Student's parents, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parents, with the purpose of developing a plan for providing individualized compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate regular and/or special education or related services and supplementary aids and services during the 2015-2016 school year if deemed necessary or appropriate by the group. The group will take into consideration the location and type of services required by the Student's IEP effective XXXXX and XXXXX. If deemed appropriate, the group will develop a plan for providing timely compensatory and/or remedial services for the Student, with a completion date not to extend beyond November 30, 2018. The District will provide the Student's parents 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 copies 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 parents, 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 10 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 parents in writing, provide notice of the outcome of the meeting, outline the rationale for the determination, including a description of the Student's educational losses, and offer to provide the Student with compensatory educational services, if applicable. The District will also provide the parents with a copy of its plan for providing those services. If the parents accept the District's offer, the District will begin to provide the services within 10 days from the date of its receipt of the parents' acceptance, or a later date, if agreed upon by the parents. 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 programs.

- c. By January 31, 2019, 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).

Action Item 2: The District will develop a plan to track, in writing, implementation of the Student's IEP, including the provision related to signing of the Student's homework log, as well as implementation of the Student's behavior intervention plan.<sup>1</sup> The plan will note, by date, modifications to the general curriculum and whether each aid was used. If not used, the plan will describe why the aid was unnecessary. The plan also will include the date an aid initially was procured.

Reporting Requirements:

- a. By October 1, 2018, the District will provide OCR, for review and approval, a written description of, or access to, the ENRICH program or other method the School will use to track whether the Student is receiving the related aids and services, as required by his IEP.
- b. The District will provide documentation to OCR to support its implementation of the plan or program used to track the Student's related aids and services no later than one week after the end of each quarter of the 2018-2019 school year.

Action Item 3: By October 15, 2018, the District will provide, or submit verification that it has provided,<sup>2</sup> training to all instructional personnel and administrators at the School and at any District school the Student subsequently attends on the requirements of Section 504 and Title II. The training will emphasize the District's obligations under Section 504 to implement Section 504 Plans, behavior intervention plans, and IEPs as written. The training will include information on, but will not be limited to:

- The specific roles of special education teachers, regular education teachers, related service providers, and paraprofessionals in providing services required by IEPs;
- The importance of, and techniques to foster, collaboration between regular education teachers, special education teachers, related service providers, and paraprofessionals in providing services required by IEPs;
- Implementing the IEP, including implementing auxiliary aids and services, developing appropriate lessons that modify the District's curriculum and use appropriate adapted materials, and using the strategies identified in the IEP for educational benefit;

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<sup>1</sup> The District proposes to utilize its ENRICH program to monitor the provision of related aids and services to the Student pursuant to his IEP and to meet Action Item 2.

<sup>2</sup> The District asserts that District personnel have recently received training regarding the obligation to serve students with disabilities. In lieu of conducting additional training, the District may submit documentation of the training provided and qualifications of the presenter, for OCR's review and determination as to whether the training satisfies the requirements of Action Item 3. If OCR determines that Action Item 3 has been satisfied, no further training requirement or reporting requirements related to Action Item 3 will be necessary.

- Monitoring implementation of IEP by using the developed method to track whether the Student is receiving the services as required by the Student's IEP as developed per Action Item 2 of this Agreement; and
- The specific roles of teachers and administrators in ensuring the implementation of behavior intervention plans.

Reporting Requirements:

- a. At least three (3) weeks 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 for OCR's review and approval to ensure that the proposed training satisfies the requirements of Action Item 3. OCR will provide the District with feedback on the training no later than one week before the date on which the training is scheduled.
- b. Within ten (10) days after the training session, the District will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a sign-in sheet listing the names and titles of the School instructional personnel and administrators who participated in each training session.

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 the 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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close 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/  
Mr. Neal Vincent  
Superintendent  
Florence County School District 2

Date: September 10, 2018