

## **RESOLUTION AGREEMENT**

### **Aiken County Public Schools**

OCR Case No. 11-16-1250

Aiken County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1250. Full implementation of this Agreement by the District resolves the allegations in OCR Case No. 11-16-1250.

#### **CORRECTIVE ACTIONS:**

1. By July 30, 2016, the District will review the Student's disciplinary records and remove the records of disciplinary sanctions that were imposed without a required manifestation determination review during the 2015-2016 school year.

**Reporting Requirements:** By August 15, 2016, the District will submit to OCR a copy of the Student's revised discipline record for review.

2. By September 30, 2016, the District will complete an investigation into any errors in the transmission of the Student's Section 504 Plan and Behavior Intervention Plan to his schools during the 2015-2016 school year. The District will propose corrective actions to address any errors identified in the investigation.

**Reporting Requirements:** By October 15, 2016, the District will submit to OCR its investigative findings, including any required corrective action, for review and comment.

3. The District will draft and disseminate to all adult students with disabilities, parents/guardians of minor students with disabilities, and instructional staff and administrators a notice explaining the protections afforded to students with disabilities under Section 504 and the Individuals with Disabilities Education Improvement Act (IDEIA) when the District proposes a disciplinary action that would result in a significant change in placement (e.g. the District's obligation to conduct a manifestation determination). The District will also post this same information on its website.

**Reporting Requirement:** By August 1, 2016, the District will submit its draft notice for OCR's review, comment, and approval. Within 15 calendar days of OCR's approval, the District will disseminate the notice as described above and provide verification to OCR. The District will provide to OCR documentation of the dissemination of the notice.

4. By September 30, 2016, The District will provide in-service training to all school-level administrators, counselors and special education teachers. This training will review District and staff responsibilities and obligations to comply with Section 504 and IDEIA concerning school discipline.

**Reporting Requirements:**

- a. By August 1, 2016, the District will provide for OCR's review and approval a schedule, training materials, and the credentials of the trainer(s) concerning the provision of in-service training per Provision 4.
  - b. Within 5 calendar of the completion of training specified in Provision 4, the District will submit the name(s) and title(s) of the in-service trainer(s), the date of the in-service training, the materials used, and the sign-in sheet indicating the names and titles of participants.
5. By October 30, 2016, after providing written notice to the Student's parent/guardian, the District will convene a Section 504 or IEP team meeting, making all reasonable efforts to include the parent/guardian, consistent with the requirements of 34 C.F.R. 104.35(c), to determine whether the Student is eligible for special education instruction and related services under the IDEIA. At the meeting, the District must review and carefully consider all relevant testing and other evaluative data; document its process and determination, ensuring that the determination conforms with Section 504's requirements of 34 C.F.R. § 104.35(c) to draw information from a variety of sources; have the decision made by a group of people knowledgeable about the Student, the evaluation data, and the placement options; and ensure that the information is documented and carefully considered.

Additionally, at the meeting, the team must develop a plan for providing 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 during the 2015-2016 school year. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the 2016-2017 school year. 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.<sup>1</sup>

### **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.

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<sup>1</sup> As is required for Provision 2, the District must review and carefully consider all relevant testing and other evaluative data; document its process and determination, ensuring that the determination conforms with Section 504's requirements of 34 C.F.R. § 104.35(c) to draw information from a variety of sources; have the decision made by a group of people knowledgeable about the Student, the evaluation data, and the placement options; and ensure that the information is documented and carefully considered.

- b. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
- c. By June 30, 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, and the name(s) of the service provider(s).

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, 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: 8/11/16\_\_\_\_\_

**Printed name of signor: Cassie S. Cagle, Director of Special Programs**  
**Authorized representative of Aiken County Public Schools**