

**RESOLUTION AGREEMENT**  
**Warren County Schools**  
**OCR Case No. 11-16-1383**

Warren County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1383. 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 January 2, 2016, after providing proper written notice to the Student's parent/guardian, the District will convene an Individualized Educational Program team meeting for the Student, making all reasonable efforts to include the parent/guardian, in accordance with 34 C.F.R. § 104.35, to assess the Student's educational needs. During that meeting, the IEP team will review the student's placement to determine whether the Student is appropriately placed in the Extend 1 classroom, which is offered at XXXX, with mainstream instruction as specified on his IEP, or whether the student should be placed elsewhere on the continuum of alternative placements. If the IEP team determines that the Student's current Extend 1 placement is appropriate, then the team will determine whether additional accommodations or services are needed for the Student to access additional courses that may target the Student's expressed academic and vocational interests. When making this determination, the IEP team will review 34 C.F.R. § 104.4, which states that a school district may not deny or provide different aids, benefits, or services to a qualified student with a disability unless such action is necessary to provide that student with aids, benefits, or services that are as effective as those provided to others.

If the IEP team determines that the Student's appropriate placement is not in Extend 1, it will determine an appropriate placement on the continuum of alternative placements, and will determine whether this placement and any necessary additional accommodations allows the Student to access courses that may target the Student's expressed academic and vocational interests. Once the Student's appropriate placement is determined, the District will determine whether the Student may appropriately be assigned to XXXX. If the District determines that the Student may appropriately be assigned to XXXX, the District will assess whether the Student is entitled to receive compensatory and/or remedial educational services as a result of the District's decision to assign the Student to XXXX, which the Student has attended since the start of the school year. The District will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 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. By January 9, 2017, the District will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting(s) referenced

- above, including the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, as well as 34 C.F.R. § 104.4, in making these determinations.
- b. By July 15, 2017, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services, if any, were provided, a description of what was provided, and the name(s) of the service provider(s).
2. The District will draft a policy ensuring that before students with disabilities are denied their first preference on their “High School Selection Form” for a disability-related reason, a group of knowledgeable persons will convene to assess the Student’s educational needs in accordance with 34 C.F.R. § 104.35.

### **Reporting Requirements**

- a. By January 31, 2017, the District will provide OCR with a copy of its proposed policy for review and approval.
  - b. Within 30 days of receiving OCR’s approval, the District will:
    - i. include the updated or newly adopted policy in the application packet for high school selection;
    - ii. post copies of the final policy in a prominent place on the District’s web site and in other publications, such as the student handbook (the District may include a temporary insert until the next publication of the handbook is complete);
    - iii. send an email or other correspondence to all staff in the District involved in the high school selection process informing them of the new policy; and
    - iv. provide OCR with a copy of the final policy and the email/correspondence to District staff.
3. By June 15, 2017, the District will train all District staff who make decisions, or provide guidance to those who make decisions, during the school selection process for students or that may provide guidance to schools about Section 504, on the requirements of Section 504, and Title II. The training will emphasize the District’s obligations under Section 504 to conduct an evaluation or re-evaluation of any student who, because of a disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education or any subsequent significant change in placement, in accordance with 34 C.F.R. § 104.35.

### **Reporting Requirements**

- a. Within 30 days of receiving OCR’s approval of the policy required by Provision 2(a), , the District will provide for OCR’s review and approval a copy of the training materials

prepared for this provision, including the name(s), title(s), and qualifications of the trainer(s), and any handouts or presentations developed for this training; and a copy of the memorandum.

- b. By June 25, 2017, the District will provide OCR with documentation confirming completion of the training, including: (a) the date of each training session(s); and (b) a sign-in sheet including the list of names, titles, and signatures of the District personnel who participated in each training session.

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 and 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:  
12/5/16  
Superintendent or designee