

**RESOLUTION AGREEMENT**  
**Darlington County School District**  
*OCR Case No. 11-17-1425*

Darlington County School District (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1425. 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.

**Action Item A:** By February 28, 2018, the District will develop and provide training to District staff including teachers, counselors, 504 case managers, principals, and any other personnel responsible for identifying and evaluating students who, because of a disability, need or are believed to need special education and/or related aids and services consistent with the requirements of Section 504 and Title II. The training, at a minimum, will emphasize the District's obligation to evaluate students who are believed to need special education services and to provide a free appropriate public education (FAPE) to students with disabilities, specifically by developing and implementing an Individualized Education Plan or Section 504 plan, in accordance with the procedural requirements set forth in 34 C.F.R. § 104.35. The training will also emphasize the definitions outlined in 34 C.F.R. § 104.3. Furthermore, the training will include information addressing the District's responsibilities for evaluation and identification of students under Section 504. This information will include that the individual does not need to self-identify and that a medical diagnosis is not required to initiate the evaluation process.

**Reporting Requirements:**

1. Within 45 calendar days of the date of this agreement, the District will submit for OCR's review and approval the proposed training materials as described in Action Item A above. The District will also identify the individual(s) who will conduct the training and their qualifications.
2. Within 45 calendar days of written notification from OCR of its approval of the training, the District will provide written documentation to OCR demonstrating that the training was provided consistent with Action Item A above, including the following:
  - 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 B:** The District will conduct an administrative review of the circumstances involving each student currently enrolled in the District who falls within the categories listed below to determine whether there is a need to evaluate or re-evaluate the student's eligibility under Section 504 using the correct legal standards. The District will review the circumstances of currently enrolled students who, since XXXX:

- a. Were referred for evaluation and determined not eligible under Section 504; or
- b. Were found ineligible for special education under IDEA and not referred for evaluation under Section 504.

To the extent that evaluation or re-evaluation is warranted, it will be conducted consistent with the evaluation, placement, and procedural safeguard requirements of 34 C.F.R. §§ 104.35 and 104.36. If the evaluation or re-evaluation leads to a finding that a student is a qualified individual with a disability and entitled to special education or related services for that disability under Section 504, the District will determine whether the provision of compensatory educational services or other appropriate relief is warranted. If compensatory services are warranted, the District will provide 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 the student did not receive appropriate regular and/or special education or related services, **beginning from the date of the original referral**. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **June 1, 2018**. 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:

1. By **March 1, 2018**, the District will provide verification of its compliance with provision 2 above, including a list of students by unique and anonymous identifier who were reviewed, the date the students were first referred for evaluation either under Section 504 or the IDEA, dates of any subsequent referrals and/or evaluations, whether the students were found eligible for services. For each student the District determined to evaluate or re-evaluate, the District will provide documentation evidencing that the evaluation or re-evaluation was conducted (*e.g.*, copies of forms, meeting notes, the individualized plan developed, etc.). Where the District determines that evaluation or re-evaluation is not warranted, the District will provide a brief narrative explaining and supporting its decision.
2. By **March 1, 2018**, for any such student who has been found to be a qualified individual with a disability and entitled to special education or related services for that disability, the District will provide documentation of its findings as to whether the provision of compensatory educational services (*e.g.*, copies of meeting notes) or other appropriate relief (*e.g.*, review of disciplinary records to determine if the student was removed from his/her placement for more than 10 school days due for disciplinary purposes, including having his/her school day shortened to half days, for behavior that was a manifestation of the student's disability) is warranted and, if so, documentation that the District offered the services to the parents/guardians of affected students and any response received.

3. For all parents/guardians, if any, who accept the District's offer of compensatory services, by **June 1, 2018**, the District will provide documentation that it provided the services, or made the compensatory services available.

**Action Item C:** Within 10 days of the date of this agreement, the District will notify the Complainant that if the Student is reenrolled in the District for the XXXX or XXXX school year that he will be evaluated for special education and/or related aids or services under Section 504; and if the Student is found to be eligible for services that the next step would be assessing whether he is eligible for compensatory and/or remedial services.

If the Student enrolls in any school in the District for the XXXX or XXXX school year, within 30 days of reenrollment, 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 evaluating the Student to determine if he is eligible for special education and/or related aids or services under Section 504 consistent with the procedural requirements of Section 504 and Title II. If the team finds that the Student is eligible for services, 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 the Student did not receive appropriate regular and/or special education or related services, from XXXX until the end of the XXXX school year. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond 6 months of the date of the eligibility determination. 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:**

1. Within 15 days of the date of this agreement, the District will submit to OCR documentation that the Complainant was notified as outlined above.
2. Within one week of the meeting(s), 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.
3. 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

