

**RESOLUTION AGREEMENT**  
**Allendale County Public Schools**  
***OCR Complaint No. 11-17-1438***

Allendale County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegations investigated in Office for Civil Rights (OCR) Complaint/ No. 11-17-1438. 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.

**Student Remedy**

- 1) If the Student re-enrolls in the District, within 15 days of his re-enrollment, the District will convene a Section 504 team meeting for the purpose of conducting an evaluation of the Student consistent with the requirements of 34 C.F.R. 104.35(c). Within five days of re-enrollment, the District will provide proper written notice to the parent at her last known address, inviting and informing the parent that the District will convene a group (team) of persons knowledgeable about the Student (including the Complainant, if the parent chooses to attend), evaluation data, and placement options. The District will make all reasonable efforts to include the parent.
  - i) The team, if applicable, will determine whether the Student requires compensatory aids or services for the time period (from XXXX to XXXX) when the Student did not receive appropriate regular and/or special education or related services.
    - (1) The group will consider and document the total cumulative amount of time the Student was excluded from the classroom from XXXX until the District convened a Section 504 manifestation determination and review meeting in XXXX; along with what (if any) impact it had on the Student.
    - (2) The group will consider what if any impact the District's failure to conduct a functional behavior assessment (FBA) (from XXXX until XXXX) had on the Student's ability to participate appropriately in the educational program.
    - (3) The group will also consider whether the XXXX incident, which gave rise to an eight (8) day suspension, was a manifestation of a disability and conduct a review (MDR).
  - ii) If during the MDR meeting it is determined that the Student was moved to an alternative placement based on conduct that was a manifestation of the Student's disability, then within ten (10) school days of the MDR meeting the District will ensure that the Student's discipline record is expunged of all information and discipline actions related to the specific incident.

- 2) If the group determines that the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2020.
  - a) The District will provide the parent with written notice of the outcome of the meeting by sending it U.S. mail to the parent's last known address. The notice will include:
    - i) A written explanation for the decision(s) made,
    - ii) A written description of and schedule for providing compensatory and/or remedial services (if any) to the Student; and,
    - iii) Notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.
- 3) If the Student does not re-enroll in the District by the beginning of the next academic year (2020-2021), the District will notify OCR.

Reporting Requirements:

Within ten days of the Section 504 team meeting, if applicable, or by September 30, 2020 of the academic year 2020-2021 if the Student does not re-enroll in the District, the District will submit to OCR the following information:

- a) A written explanation for the decisions the Section 504 team made; and,
- b) A written description of and schedule for providing compensatory and/or remedial services (if any) to the Student; and,
- c) If the Section 504/MDR Team determines that the Student was given an alternative placement for conduct that was a manifestation of the Student's disability, then the District will also provide OCR with documentation that the Student's record has been expunged for the relevant period; and,
- d) If applicable, a copy of any District plan to provide the Student compensatory or remedial education. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of the regulation implementing Section 504 in making these determinations.
- e) A copy of the meeting minutes or similar documentation from the meeting; and
- f) A list of meeting attendees.
- g) The District will also submit to OCR a copy of the written invitation sent to the Student's parent and a copy of the notice of the outcome of the meeting.
- h) If the Student does not re-enroll in the District by the beginning of the next academic year (2020-2021), the District will provide OCR with written notice no later than September 30, 2020.

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 and obligations 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 proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dr. Margaret Gilmore, Superintendent