

RESOLUTION AGREEMENT
Lexington County School District 3
OCR Complaint No. 11-19-1198

Lexington County School District 3 (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1198. 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.

1. By September 15, 2019, 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.
 - a. The group will review all relevant data and information regarding the XXXXX disciplinary incident and determine whether the conduct that gave rise to the incident was a manifestation of the Student's disability. The team will ensure that information obtained from all sources, including the Student's medical documentation and a review of how the character of the disability may have impacted the conduct at issue (e.g., impulsivity, etc.), is documented and carefully considered during the manifestation determination review (MDR).
 - b. If during the MDR meeting it is determined that the Student was moved to an alternative placement for 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.
 - c. If during the MDR meeting it is determined that the Student's conduct was related to his disability, the District will conduct a re-evaluation, per all procedural requirements of 34 C.F.R. § 104.35, as to whether the Student needs compensatory and/or remedial services as a result of the Student's change in placement for the incident. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 1, 2020.
 - d. Whether or not the group determines that the conduct was a manifestation of the Student's disability, the District will provide the Student's parent/guardian with written notice of the outcome of 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, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial hearing.

Reporting Requirements:

- a. By September 25, 2019, the District will provide OCR with the name and title of each person who participated in the MDR meeting; a copy of the notes of the MDR meeting; as well as the reason for the team's decisions; documents used in making the team's decisions; and documentation that procedural safeguards were provided to the Complainant.
 - b. If the 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 and, 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, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
 - c. By December 15, 2020, if applicable, 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).
2. By November 1, 2019, the District will develop and provide training to all staff and administrators at XXXXX ("the School") involved in developing Section 504 Plans and Individualized Education Plans (IEPs) on the requirements of Section 504 and Title II. The training will emphasize the Division's obligations under Section 504 to provide a free appropriate public education (FAPE) to students with disabilities, the method by which a student should be (re)evaluated for a Section 504 Plan or an IEP, and examples of what constitutes a significant change in placement triggering a re-evaluation. The training will also cover the District's obligation to proceed with a manifestation determination, and the circumstances under which such a review should be initiated.

Reporting Requirement:

By November 15, 2019, the District will submit to OCR documentation that the training was completed, including all training materials, the name of the individual(s) who conducted the training and their qualifications, an attendance sheet that includes the name, title, and signature of all individuals in attendance, and the date(s) of the training.

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: August 9, 2019
Dr. Stephen Hefner, Interim Superintendent