

RESOLUTION AGREEMENT
Clover School District
OCR Complaint No. 11-19-1407

Clover School District (the District) agrees to fully implement this Resolution Agreement (the Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1407. 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: The Student

By October 1, 2020, after providing proper written notice to the Complainant and the Student's mother (to be collectively referred to as "the Student's Parents"), the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the Student's Parents, to discuss the provision of compensatory and/or remedial services to the Student for the time period that the District may not have evaluated the Student in a timely manner to determine whether he required regular and/or special education and/or related aids and services, and to develop an appropriate plan to provide such services, from November 20, 2018 to February 13, 2019. If the group determines that the Student requires 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 January 29, 2021. The District will provide the Student's Parents 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 due process hearing.

Reporting Requirements:

- a. By October 15, 2020, 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, and a list of meeting attendees. The District will also submit to OCR a copy of the written invitation to the Student's Parents, the notice of procedural safeguards, and a copy of the notice of the outcome of the meeting that was provided to the Student's Parents. 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.
- b. By February 15, 2021, if applicable, the District will provide documentation to OCR of the following: (a) the dates, times, and locations that compensatory and/or remedial services were provided to the Student; (b) a description of what was provided; and (c) the name(s) of the service provider(s).

Action Item B: Training

By November 17, 2020, the District will develop and provide training¹ to School faculty and staff, who work with students with disabilities, regarding the District’s responsibilities to provide a free appropriate public education (FAPE) to students with disabilities under Section 504 and Title II. The training will, at minimum, emphasize the District’s obligations to:

- a. Identify and evaluate in a timely manner, students believed to need special education and/or related aids and services, in accordance with the procedural requirements set forth in the regulation implementing Section 504, at 34 C.F.R. § 104.35(a).
- b. In interpreting evaluation data and making placement decisions, draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; establish procedures to ensure that information obtained from all such sources is documented and carefully considered; ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and ensure that each student with a disability is educated with peers without disabilities to the maximum extent appropriate to the needs of the student with a disability, in accordance with the procedural requirements set forth in the regulation implementing Section 504, at 34 C.F.R. § 104.35(c).
- c. Provide a FAPE to students with disabilities, specifically, by developing and implementing an IEP, Section 504 Plan, or BIP, or other placement, in accordance with the procedural requirements set forth in the regulation implementing Section 504, at 34 C.F.R. § 104.33 and § 104.35(c).
- d. Periodically reevaluate a student who has been provided special education and/or related aids and services, including whether there is information suggesting that a student’s educational program is not meeting the student’s individual needs and whether further evaluation or revisions to the student’s IEP, Section 504 Plan, BIP, or other placement are necessary, in accordance with the procedural requirements set forth in the regulation implementing Section 504, at 34 C.F.R. § 104.35(d).²

Reporting Requirement:

By November 30, 2020, the District will provide OCR with documentation confirming completion of the required training, including: (a) the name of the individual(s) who conducted the training and their qualifications; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet including a list of the names, signatures, and position titles of the School personnel who participated in each training session.

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

¹ The District may provide an in-person, video, or virtual training; however, the District will ensure that the format used provides participants with an opportunity to ask questions or request clarification of the appropriate District personnel on the material presented.

² If the District would like OCR’s feedback on the proposed training in advance, it may provide OCR with a draft copy of the training materials at least twenty-one (21) days before the scheduled date of the training.

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 complaint.

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: _____/s/_____ Date: _____8/14/2020_____

Dr. Sheila Quinn
Superintendent (or Designee)
Clover School District