

RESOLUTION AGREEMENT
Hickory City Public Schools
OCR Case No. 11-22-1228

Hickory City Public Schools (the School District) agrees to fully implement this Resolution Agreement to resolve the allegations investigated in Office for Civil Rights (OCR) Case No. 11-22-1228. This Agreement does not constitute an admission by the School District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. The School District will convene a group of knowledgeable people with the purpose of determining whether the School District is educating the Student with his peers to the maximum extent appropriate to meet his needs and whether the School District can satisfactorily educate the Student in a school environment with the use of supplementary aids and services, consistent with 34 C.F.R. § 104.34. In doing so, the School District will consider placements within the School District and, as appropriate, public and non-public placements outside of the School District. The group will also determine if compensatory and/or remedial services are needed for the time period that the Student may not have received appropriate regular and/or special education or related services, during the 2021-2022 school year. If the group determines that there is a need for 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 XXXXX. The School District will provide the Student's parent/guardian with notice of the procedural safeguards, 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 Requirement

- a. XXXXX, the School District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 1, 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. The School District will also submit to OCR a copy of the written invitation to the Student's parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the Student's parent/guardian. OCR will review the documentation submitted to ensure that the School District met its 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. XXXXX, if applicable, the School 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 names(s) of the service provider(s).

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

2. The School District will provide training to all School District staff and administrators involved in the identification, evaluation, and placement of students with disabilities on Section 504's FAPE and nondiscrimination obligations to students with disabilities. The training will emphasize:
 - a. Section 504's requirement that a school district must place a student with a disability in the regular educational environment unless the school district demonstrates that it cannot satisfactorily educate the student in the regular environment even with the use of supplementary aids and services;
 - b. That students with disabilities must participate with nondisabled students in both academic and nonacademic services, including meals, recess, and physical education, to the maximum extent appropriate to their individual needs; and
 - c. The importance of offering a range of placement options so that students are not denied the individualized services they need because of the unavailability of particular placements, or because those services are incompatible with a particular program model.

Reporting Requirements:

- a. By XXXXX, the School District will submit to OCR, for OCR's review and approval, a copy of the proposed training materials and the name(s), position title(s), and qualifications of the individual(s) who will conduct the training.
 - b. Within 90 days of receiving OCR's approval, the School District will conduct the training and provide verification to OCR, including: (a) the name of the individual(s) who conducted the training; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet with the names, signatures, and position titles of the School District personnel who participated in each training session.
3. The School District will issue a memorandum to all EC administrators and staff including case managers and LEA representatives regarding the identification, evaluation, and placement of students with disabilities on Section 504's FAPE and nondiscrimination obligations to students with disabilities. The memorandum will cover the following Section 504 requirements: (1) to place students with disabilities in a regular educational environment unless the student cannot be educated in the regular environment with the use of supplementary aids and services; (2) to ensure students with disabilities participate with nondisabled students in both academic and nonacademic services; and (3) obligation to consider a range of placement options to students with disabilities to meet their individualized needs.

Reporting Requirements:

- a. By XXXXX, the School District will submit a copy of the draft memorandum to OCR for OCR's review and approval.
 - b. Within 30 days of receiving OCR's approval, or by the first day of school on XXXXXX, whichever comes first, the School District will disseminate the memorandum to the required recipients and provide verification to OCR.

4. School District staff will identify whether any other students in the School District with an Individualized Education Plan or a Section 504 Plan were placed on XXXXXX after a decision was made that instruction in a general education classroom was not appropriate during the 2022-2023 school years. For each student identified, the School District will convene a group of knowledgeable people with the purpose of determining whether the School District is educating the student with his peers to the maximum extent appropriate to meet his/her needs and whether the School District can satisfactorily educate the student in a school environment with the use of supplementary aids and services, consistent with 34 C.F.R. § 104.34. In doing so, the group will consider placements within the School District and, as appropriate, public and non-public placements outside of the School District. The group will also determine if compensatory and/or remedial services are needed. If the group determines that there is a need for 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 XXXXX. The School District will provide the student's parent/guardian with notice of the procedural safeguards, 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. XXXXXX, the School District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 3, 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. The School District will also submit to OCR a copy of the written invitation to the student's parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the student's parent/guardian. OCR will review the documentation submitted to ensure that the School District met its 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. XXXXX, if applicable, the School 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 names(s) of the service provider(s).

By signing this Agreement, the School District is to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of this Agreement, if necessary, OCR may visit the School District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School District has fulfilled the terms of this Agreement.

The School District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the School District is in compliance with the terms of the

Agreement and with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Title II and its implementing regulation at 28 C.F.R. Part 35.

The School District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the School District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____ Date: _____
XXXXXX, Superintendent
Hickory City Public Schools