

**RESOLUTION AGREEMENT**  
**Horry County Schools**  
**OCR Case No. 11-23-1154**

Horry County Schools (the District) agrees to fully implement this Resolution Agreement to resolve the allegation in the above-referenced Office for Civil Rights (OCR) complaint. This Agreement does not in any way 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 (Title II), or any other law enforced by OCR. This Agreement, when fully implemented, will resolve the issues and compliance concerns in the above-referenced complaint.

**Action Item 1**

The District will ensure that the elevator at XXXXX is fully operational. The District will also develop a maintenance plan to ensure that the elevator is properly maintained so that it remains operational.

**Reporting Requirements:**

1. By July 21, 2023, the District will provide evidence that the elevator is operational. If the elevator is inoperable by said date, then the District will provide evidence as to why and an expected date for it to be operational.
2. By July 21, 2023, the District will submit its proposed maintenance plan for OCR's review and approval.
3. By December 31, 2023, the District will provide OCR with all maintenance records related to the elevator such that OCR can ensure that the District is following its maintenance plan.

**Action Item 2**

Until the elevator in the XXXXX becomes operational and during any period of time the elevator is subsequently inoperable for an unreasonable period of time, the District will ensure that it operates each service, program, or activity on the second floor of the XXXXX so that it is readily accessible to and usable by individuals with disabilities, and ensures that students with disabilities receive a free and appropriate public education (FAPE). This will include, but is not limited to, developing a written plan outlining how individuals with disabilities can, in conjunction with their IEP or Section 504 Team as appropriate, access and fully participate in any services, programs, or activities held on the second floor of the XXXXX. The plan will include a description of how the District intends to communicate and/or publicize this information to individuals with disabilities intending to access the program, activity, or service.

**Reporting Requirements:**

- a. By July 20, 2023, the District will provide OCR with a copy of the plan referenced in the Action Item, as well as any sample postings or notices intended to communicate or publicize this information, for OCR's review and approval.

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- b. Within 10 calendar days after OCR’s approval of Reporting Requirement (a), the District will provide OCR with evidence that it has publicized the plan (e.g., weblinks, postings, emails, etc.).
- c. By December 31, 2023, the District will submit to OCR a complete list of all requests made from the date of the signing of this agreement until the date that the elevator is fully functional. The list will also include:
  - i. The date of the request;
  - ii. The name or unique identifier of the requester;
  - iii. A detailed description of the request;
  - iv. The outcome of the request (i.e. whether and how the individual accessed the program at issue);
  - v. If the request was denied, an explanation for the denial;
  - vi. Whether a Section 504 or IEP team had any involvement in the outcome of the request; and
  - vii. Any supporting documentation.

### **Action Item 3**

The District will identify any students who did not have access to a program or activity on the second floor of the XXXXX as a result of the elevator malfunction, including Students 1 and 2. After providing proper written notice to the students’ parent/guardian, the District will convene a group of persons knowledgeable about the student, making all reasonable efforts to include the parent/guardian, to discuss the provision of compensatory and/or remedial services to the student for the time period the student may not have received appropriate regular and/or special education or related services in the least restrictive environment. 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 31, 2023. 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 due process hearing.

### **Reporting Requirements:**

- a. Within one week of the meeting, 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 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 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 December 31, 2023, 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).

**Action Item 4**

The District will issue a memorandum to all School staff regarding its obligation under Section 504 and Title II. Specifically, the memorandum will include a statement that facilities must be accessible to and usable by qualified persons with disabilities so that they are not excluded from a district's programs or activities. It will also state that a school must place a student with a disability in the regular educational environment unless the district demonstrates that it cannot satisfactorily educate the student in the regular environment even with the use of supplementary aids and services. The memorandum will include an attached copy of the written plan described in Action Item 2 above.

**Reporting Requirements:**

- a. By July 20, 2023, the District will submit a copy of the draft memorandum to OCR for OCR's review and approval.
- b. Within 10 calendar days of receiving OCR's approval, the District will disseminate the memorandum to the required recipients and provide verification to OCR.

By signing this Agreement, the District agrees 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 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 of this Agreement.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the 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 District understands that OCR may initiate administrative enforcement proceedings or refer this complaint to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and the applicable statutes and regulation. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar school days to cure the alleged breach.

By: Rick Maxey, Superintendent

Date: 7/13/2023