

**Resolution Agreement
Columbus City School District
OCR Docket #15-15-1266**

The Columbus City School District (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Accordingly, the District agrees to do the following:

ACTION STEPS – Individual Remedies

1. By January 15, 2016, the District will convene the Student's Section 504 team (team), including the Student's parents, to:
 - a. determine what compensatory education or other remedial services the Student requires for the time period from XXXX, to XXXX, when the District failed to evaluate the Student to determine whether she was a qualified individual with a disability under Section 504 and failed to provide her with a free appropriate public education (FAPE);
 - b. conduct a manifestation determination to determine whether the Student's conduct that resulted in her suspensions from XXXX to the present was the result of behavior related to her disability and, if so, determine what compensatory education or other remedial services the Student requires as a result of the suspensions; and
 - c. develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Action Steps 1(a) and 1(b) above, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom, and when, and will become part of the Student's Section 504 plan. The District will invite the Student's parent(s) to participate in the team meetings, and, in the event that the Student's parent(s) is/are unable to attend, the District will provide the Student's parent(s) with a meaningful opportunity to provide input. The District will provide written notice to the Student's parent(s) of any determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing.
2. By February 16, 2016, the District will expunge from the Student's discipline records any suspension she received since XXXX, for behaviors that were determined to be a manifestation of her disability.

Reporting Requirements: By February 16, 2016, the District will submit to OCR documentation showing implementation of Action Items 1 and 2 above, including a copy of any meeting minutes; a copy of any compensatory services plan developed for the Student;

documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them; any other documentation relevant to the determinations reached in accordance with Action Item 1 above; and, as appropriate, a copy of the Student's amended discipline records. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. The District will similarly provide written explanation and supporting documentation for its manifestation determinations regarding the Student's suspensions. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. By **June 30, 2016**, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

ACTION STEPS – School-wide Remedies

3. The District in fall 2015 provided select staff and administrators training on the requirements of the Section 504 regulation regarding the identification, evaluation, and placement of students with disabilities. By January 15, 2016, the District will design and implement a plan for further Section 504 training and development for School staff and administrators with roles in Section 504 evaluations and placement, Individuals with Disabilities Education Act (IDEA) evaluations, and Intervention Assistance Teams (IATs), including the School's counselor and school psychologist. The training and development will be centered on the requirements of the Section 504 regulation at 34 C.F.R., Part 104, Subpart D, and of the District's Section 504 procedures for the identification, evaluation, and placement of students with disabilities and the provision of procedural safeguards.
4. By January 15, 2016, the School will implement a centralized tracking system for all disability evaluation requests, regardless of whether the request specifies an IDEA or a Section 504 evaluation, to ensure that the District responds to all evaluation requests in a timely manner either by conducting an evaluation or informing the parent or guardian in writing that the District does not suspect a disability and will not evaluate and of their right to challenge that decision. The system will be designed to ensure that students' eligibility under both the IDEA and Section 504 definition of disability is considered.

Reporting Requirements: By **February 16, 2016**, the District will submit information to OCR documenting implementation of Action Steps 3 and 4, including: a description of the training and development plan and documentation verifying its implementation and the participants; and a description of the tracking system for evaluation requests with supporting documentation verifying its implementation. By **June 30, 2016**, the District will submit documentation verifying its continued implementation of Action Steps 3 and 4.

General Requirements

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Subpart D, which were at issue in this case.

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 this 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 of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. Subpart D.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/
Superintendent or Designee

12/21/15
Date