



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10  
ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
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**Resolution Agreement**  
**Polk County School District**  
**OCR Complaint #04-13-1281**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Polk County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Prior to the completion of OCR's investigation, the District asked to resolve the complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM). This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the District is not in compliance with Section 504 and/or Title II and/or its implementing regulations. Accordingly, the District agrees to the following:

**Voluntary Action #1:**

By March 31, 2014, the District will provide mandatory in-service training to all staff at Stambaugh Middle School, to include, but not limited to, Principal, Vice Principals, Counselors, Teachers, School Section 504/Title II and Special Education Coordinators and Liaisons regarding the Section 504 policies and procedures on providing services and accommodations to students with disabilities.

**Reporting Requirements:**

By April 30, 2014, the District will provide OCR with a report confirming the completion of the training(s) required under Voluntary Action #1 above. The report will include: (i) the date of each training session; (ii) a list of names and titles of the District and School employees who participated in each training session; (iii) the title and experience of the trainer; and, (iv) copies of the agenda and training materials disseminated at the training session.

**Voluntary Action #2:**

By March 31, 2014, the Section 504 committee will convene a meeting of knowledgeable persons, including the Complainant, to determine the Student's need for compensatory educational services for the period of time from March 21, 2013 through May 21, 2013 when the District failed to provide the services identified in his IEP. If the Section 504 committee determines that the Student needs compensatory services, the District will make arrangements to provide those services to the Student by the end of the current school semester. The District will maintain in the Student's file, minutes of the meeting, documentation of attendees, and information considered in making the determination. The District will notify the Complainant of his procedural safeguards rights pursuant to 34 C.F.R. § 104.36. The District will amend, as appropriate, the Student's file to include the type and amount of any agreed upon compensatory services, including the provider and timetable for provision of services, at no cost to the Complainant, and the date when the provision of compensatory education services to the Student will be completed, which will be no later than May 30, 2014.

**Reporting Requirements:**

- a. By March 31, 2014, the District will provide OCR for review and approval documentation showing implementation of Voluntary Action #2 above, including a copy of the minutes of the meeting conducted in accordance with Voluntary Action #2, a copy of the results of the Student's assessment conducted in accordance with Section 504; any compensatory education services agreed to be provided, and the timeframes and provider for such services, as well as documentation evidencing that the Complainant received notice of his Section 504 procedural safeguards.
- b. If applicable, within 15 days after OCR's review and approval of this information, the District will offer the approved compensatory educational services to the Complainant and submit to OCR a copy of the offer to the Complainant and any response from the Complainant to the offer. If the Complainant accepts any offer for compensatory education services, by June 13, 2014, the District will provide OCR documentation demonstrating that all necessary compensatory education services have been provided to the Student in accordance with Corrective Action #2 above.

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. 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 the Section 504 and Title II regulations set forth below.

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 the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1) and 104.35, and the Title II implementing regulation at 28 C.F.R. § 35.130.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

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President or Designee

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Date