



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

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REGION IV  
ALABAMA  
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**RESOLUTION AGREEMENT  
UNION CITY SCHOOL DISTRICT  
OCR Docket Number 04-14-1564**

The Union City School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (Title II), as amended, 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Accordingly, the District voluntarily agrees to take the following actions.

**Action Item 1**

- A. By November 17, 2016, the District will, subject to OCR's review and approval, revise the District's Section 504 Procedures, as contained in the Parent/Student Handbook, to include (a) specific standards and procedures for initial evaluations, placement and periodic reevaluations, including reevaluations before a significant change in placement, of students who, because of disability, need or are believed to need special education and/or related services; and (b) grievance procedures for complaints alleging any action prohibited by Section 504 and Title II that include the following elements: (i) notice of the grievance procedures, including where complaints may be filed; (ii) application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination/harassment carried out by employees, other students, or third parties; (iii) provision for adequate, reliable and impartial investigation of written and oral complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence; (iv) designated and reasonably prompt time frames for the major stages of the complaint process; (v) written notice to the complainant and alleged perpetrator of the outcome of the complaint; and (vi) assurance that the school will take steps to prevent recurrence of any discrimination/ harassment and remedy discriminatory effects on the complainant and others, if appropriate.
- B. Within 30 days of OCR's approval of the revisions to the Section 504 Procedures, the District will adopt, publish and disseminate the revised Section 504 Procedures in its electronic and printed materials. For printed materials, inserts may be used pending reprinting.

- C. By August 1, 2017, if the District complied with paragraph (1B) above using inserts for printed materials, the District will reprint the materials to include the revised Section 504 Procedures, and will publish and disseminate the printed materials.

**Reporting Requirements:**

- a. By November 17, 2016, the District will provide OCR a draft of the revisions to the Section 504 Procedures for review and approval;
- b. Within 30 days of OCR's approval of the revisions to the Section 504 Procedures, the District will provide OCR a copy of the final revised Section 504 Procedures; evidence of publication and distribution of the revised procedures, including a link to materials published on the District's website; and, evidence that the District provided notice of the revisions to all of the District's faculty, staff, students and parents; and,
- c. By August 1, 2017, if the District complied with paragraph (1B) above by using inserts for printed materials, the District will provide OCR a copy of the materials that were reprinted as required by paragraph (1C) above and evidence of publication and distribution of the printed materials.

**Action Item 2**

By November 17, 2016, the District will revise the discipline referral form used at Union City High School, to include specific reference to a student's participation in Section 504, in addition to participation in special education, when determining whether to conduct a manifestation determination hearing.

**Reporting Requirements:**

- a. By November 17, 2016, the District will submit to OCR a copy of the revised discipline referral form for OCR's review and approval; and
- b. Within 30 days of OCR's approval of the revised discipline referral form, the District will publish the revised form and provide evidence of notification to faculty and staff of the revised form.

**Action Item 3**

By November 17, 2016, for school year 2015-16, for students who were evaluated for an Individualized Education Program (IEP), the District will identify all students whose teams determined that the student had a disability but did not qualify for special education services because the student's disability did not adversely impact the educational performance in his/her learning environment. For each student identified, the District will specify whether the District evaluated the Student pursuant to Section 504 after the student was denied IEP eligibility.

**Reporting Requirements:**

By November 17, 2016, the District will submit to OCR the list of students as required by Item 3, and for each student on the list indicate whether the student is enrolled in the District currently and provide the team's report denying the student's IEP eligibility.

**Action Item 4**

By January 2, 2017, for each student identified in Item 3 who is enrolled in the District currently and for whom the District did not conduct a Section 504 evaluation after the student was denied IEP eligibility, the District will evaluate the student, in accordance with Section 504 and its implementing regulation at 34 C.F.R. § 104.35, and determine the student's eligibility for regular or special education and related aids and services.

**Reporting Requirements:**

By January 2, 2017, for each student evaluated pursuant to Item 4, the District will provide OCR the student's completed evaluation/eligibility determination report in accordance with Item 4. This report shall include, but is not limited to, the minutes from the evaluation/eligibility determination, the information considered, the participants, a copy of the notice of procedural safeguards provided to the parents, and any other documentation, including a copy of the student's Section 504 services plan or IEP, if applicable, resulting from the student's evaluation/eligibility determination.

**Action Item 5**

By January 30, 2017, for each student who is found eligible to receive regular or special education and related aids and services pursuant to Item 4, after providing proper written notice to the student's parents, a group of knowledgeable persons, including the parents, will convene a placement meeting to determine whether the student requires compensatory and/or remedial services, dating back to the date the student was denied IEP eligibility. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond 2017. The District will provide the student's parents notice of the procedural safeguards including the right to challenge the placement team's determination through an impartial due process hearing.

**Reporting Requirements:**

- a. By January 30, 2017, for each student found eligible pursuant to Item 4, the District will provide supporting documentation showing the group's decision as to whether compensatory and/or remedial services are needed. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for the decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation 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.
- b. By December 15, 2017, for each student for whom the team determines compensatory and/or remedial services are needed, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided. Such information shall include a description of what was provided, and the name(s) of the service provider(s).

### **Action Item 6**

By January 2, 2017, the District will conduct Section 504/Title II training for all teachers and staff involved in the evaluation/eligibility determination process pursuant to Section 504 and Title II on the revised Section 504 Procedures. The training shall be conducted by a qualified person with expertise in Section 504 and Title II and shall include the Section 504 requirements concerning identification, evaluation, placement, periodic reevaluation, reevaluation prior to a significant change in placement, including, but not limited to, manifestation determinations, and procedural safeguards.

### **Reporting Requirements:**

By January 2, 2017, the District will provide documentation to OCR demonstrating that its faculty and staff have completed the training pursuant to Item 6 above. The documentation shall include, at a minimum, the date of the training session, the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the training materials disseminated.

### **Action Item 7**

By November 17, 2016, the District will include a letter in the Student's permanent record, executed by the Director of Schools, specifying that the District did not conduct a manifestation determination in connection with any discipline administered to the Student during the 2013-14 school year to determine if the Student's actions resulting in the discipline were a manifestation of the Student's disabilities. The District shall provide a copy of this letter to the Student's parent.

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**Reporting Requirements:**

By November 17, 2016, the District will provide documentation to OCR demonstrating that it placed the letter required by Item 7 in the Student's permanent record and provided the Student's parent a copy of the same.

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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.7, 104.33, and 104.35, and Title II at 28 C.F.R. §§ 35.107 and 35.130.

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 regulations implementing Section 504 at 34 C.F.R. §§ 104.7, 104.33, and 104.35, and Title II at 28 C.F.R. §§ 35.107 and 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 sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon signature of the District's Superintendent or designee below.

/s/

October 6, 2016

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**Director of Schools or Designee  
Union City School District**

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**Date**