

## **RESOLUTION AGREEMENT**

West Memphis School District  
OCR Complaint Number 06141573

The West Memphis School District (District) agrees to implement the following Resolution Agreement (Agreement) to resolve allegations in the above referenced complaint, which was opened for investigation by the U. S. Department of Education (Department), Office for Civil Rights, (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 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), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. The complainant alleged that the District discriminated against a student (the Student) attending West Memphis High School (WMHS) and the District's Alternative Learning Environment (ALE) on the basis of disability (XXX). The District is committed to complying fully with Section 504 and Title II, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. The District understands that OCR has not made an investigatory finding that the District has violated either Section 504 or Title II, and the signing of this Agreement by the District does not constitute an admission by the District that it has violated Section 504 or Title II.

**Action Item 1:** By October 30, 2015, the District will convene placement team (e.g., IEP team) meeting(s) to determine whether compensatory education services are presently appropriate for the Student due to a loss of educational opportunity as a result of the failure to provide the Student services during the 2013-2014 and 2014-2015 school years. Where compensatory education services are deemed appropriate, such services will be offered to the Student (by mail, certified return receipt) along with information regarding when, where and how to receive the services. If compensatory services are not deemed appropriate, the Student will be notified (by mail, certified return receipt) of this determination.

**Reporting Requirement 1:** By November 15, 2015, the District will submit documentation to OCR demonstrating that it has fully complied with this Action Item. Such documentation will include:

- a. A list of the individuals who attended the meeting(s), including each individual's name, title, and role in the meeting.
- b. Documentation of the District's conclusions and a copy or summary of the information the District considered in reaching those conclusions.
- c. A copy of the written offer (or notice of determination) to the Student.
- d. Postal evidence that the written offer (or notice of determination) was mailed to the Student.

**Action Item 2:** By October 30, 2015, the District will draft, for OCR's approval, a written procedure regarding the obligations of staff to implement students' individual education plans,

and a written procedure for ensuring that the provisions included in students' individualized education plans (i.e., IEP, 504 Plan/IAP, BIP, etc.) are consistently implemented.

**Reporting Requirement 2:** By November 15, 2015, the District will provide to OCR, for OCR approval, a copy of the procedures as specified in Item 2 of this Agreement.

**Action Item 3:** Within fifteen (15) calendar days of OCR's approval of the District's procedures as described in Item 2 of this Agreement, the District will: (a) begin implementing the procedure; (b) publish the procedures on the WMSD website; and (c) provide written notice to all WMSD teachers and staff of the procedure.

**Reporting Requirement 3:** Within ten (10) calendar days of publishing the procedures, as described in Item 2, the District will submit to OCR documentation evidencing satisfaction of the requirements in Item 3 of the Agreement.

**Action Item 4:** By January 15, 2016, the District will provide in-service training to all staff (teachers, aides, counselors, administrators) at West Memphis High School (WMHS) and at the Alternative Learning Environment (ALE) of their obligation to implement students' individualized education plans. The training will include a review of the procedures developed under Item 2 of this Agreement.

**Reporting Requirement 4:** Within ten (10) calendar days after the conclusion of the training, the District will submit documentation to OCR for confirmation that it has fully complied with Action Item 4 of the Agreement. Such documentation will include:

- a. Name and title of the trainer(s) and information about the trainers' qualifications;
- b. The date and time the training was held;
- c. The training/presentation materials (showing content specified in Action Item 4);
- d. The handouts provided to trainees; and
- e. A copy of the sign-in sheet from the training, including the name, title, date and signature of each attendee that was received the training.

**Action Item 5:** The District will ensure that access to textbooks for home usage by special education students at WMHS and ALE is equal to access to textbooks for home usage by regular education students at WMHS and ALE, except when the District has a legitimate, non-discriminatory reason for not allowing such equal access to a special education student as specified in his/her individualized education plan.

By October 30, 2015, the District will draft, for OCR's approval, a written procedure regarding students' access to textbooks for home usage.

**Reporting Requirement 5:** By November 15, 2015, the District will provide to OCR, for OCR approval, a copy of the procedure as specified in Item 5 of this Agreement.

**Action Item 6:** Within fifteen (15) calendar days of OCR's approval of the District's procedure

as described in Item 5 of this Agreement, the District will: (a) begin implementing the procedure; (b) publish the procedure on the WMSD website; and (c) publish the procedure in the Student Handbook.

**Reporting Requirement 6:** Within ten (10) calendar days of publishing the procedure, as described in Item 5, the District will submit to OCR documentation evidencing satisfaction of the requirement in Item 6 of the Agreement.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of the Agreement, 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 the Agreement and is in compliance with the statutes and regulations that were at issue in this case.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the statutes and regulations that were at issue in this case.

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

**For West Memphis School District:**

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Mr. Jon Collins, Superintendent  
West Memphis School District

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Date