

RESOLUTION AGREEMENT

Galax City Public Schools
OCR Complaint No. 11-14-1215

Galax City Public Schools (the Division) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1215. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

1. If the Student re-enrolls in the Division, within 15 days of his re-enrollment, the Division will convene a Section 504 team meeting for the purpose of conducting an evaluation of the Student consistent with the requirements of 34 C.F.R. 104.35(c). This means that the Division must review and carefully consider all relevant testing and other evaluative data to make a determination about whether the Student qualifies for eligibility as a student with a disability under Section 504; document its process and determination, ensuring that the determination conforms with Section 504's definition of disability, and with the other requirements of 34 C.F.R. § 104.35(c) to draw information from a variety of sources; have the decision made by a group of people knowledgeable about the Student, the evaluation data, and the placement options; and ensure that the information presented at the evaluation is documented and carefully considered.
 - a. In making the Section 504 eligibility determination, the Division will ensure that it draws on all available and relevant information from a variety of sources (including information provided by the Complainant/guardian or necessary testing); the decision is made by a group or team of people knowledgeable about the Student and his disability, the meaning of evaluation data, and the possible placement options (i.e. the related aids and/or services that the Student may or may not need due to any suspected disability); and the team's decision-making is documented and carefully considered.
 - b. If the group or team of knowledgeable people determines that the Student meets Section 504 eligibility, the group will consider what related aids and services are necessary to ensure that the Student's individual educational needs are met as adequately as the needs of students without disabilities are met. The group or team will determine an appropriate placement for the Student and develop a Section 504 Plan for the Student.

Reporting Requirement: If the Student re-enrolls in the Division by September 30, 2016, within 30 days of conducting an evaluation of the Student, consistent with the requirements of 104.35(c) of the regulation, the Division will submit for OCR's review and approval the notes or minutes of the evaluation and eligibility team meetings, the evaluative data reviewed, and a copy of any completed Section 504 Plan developed.

2. By August 31, 2015, Division staff will contact the Complainant/guardian in writing and ask for consent to evaluate the Student under Section 504 for the purpose of offering compensatory services to the Student. With this communication, the Division shall notify the Complainant/guardian of her rights under Section 504. The Division will provide the Complainant/guardian a reasonable amount of time to respond in writing, consistent with

the Division's standard timelines or practice under Section 504 or the Individuals with Disabilities Education Improvement Act (IDEA).

If the Complainant/guardian either (a) refuses to consent to an evaluation of the Student or (b) fails to respond to the Division in writing within the Division's standard timelines for receiving consent to evaluate for Section 504 or IDEA eligibility, then the Division shall have no further responsibilities under this Section No. 2.

If the Complainant/guardian accepts the Division's offer, within 20 calendar days from the date of the Complainant's/guardian's response, the Division shall evaluate the Student, in accordance with 34 C.F.R. § 104.35(c). The Division shall consider all medical and other documentation provided to the Division to date and also consider whether it needs to conduct any further assessments of the Student.

If the Division determines that the Student is eligible for services under Section 504, the team also will develop a plan for providing compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate regular and/or special education or related services from April 2011, when the Division ceased 504 services, to June 4, 2014, the end of the 2013-2014 school year. The team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond September 30, 2016. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parent/guardian, by whom, and when. The Division will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement: By September 15, 2015, the Division will provide OCR a copy of the letter sent to the Complainant/guardian asking for consent to evaluate the Student for the purpose of determining compensatory services and a copy of any response.

Reporting Requirement: If applicable, within 10 days of the meeting, the Division will provide OCR: 1) the results of the team meeting held above; 2) the names and titles of all meeting participants; 3) copies of eligibility meeting summaries, including an explanation of all decisions made; and 4) documentation that the Complainant/guardian was provided information satisfying the requirements of 34 C.F.R. § 104.36 regarding the right to challenge any placement decision made by the team by requesting an impartial due process hearing for OCR's review and approval to ensure procedural compliance with 34 C.F.R. § 104.35.

Reporting Requirement: Within 10 days of the meeting, if the Student was found eligible for services under Section 504, the Division will provide documentation of the 504 team's decisions made with regard to compensatory educational services, including an explanation for decisions made, and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student and the notice of due process, as well as copies of any information/documents considered by the team in reaching its decision. OCR will review the documentation submitted to ensure that the

Division 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.

Reporting Requirement: If applicable, within 10 days of OCR's procedural feedback regarding the Division's determination of any compensatory educational services and/or other appropriate relief, the Division will contact the Complainant/guardian in writing and offer to provide the Student compensatory educational services. The Division will provide the Complainant/guardian a copy of its plan for providing those services. If the Complainant/guardian accepts the Division's offer, the Division will begin to provide the services within fifteen days from the dates of its receipt of the Complainant's/guardian's acceptance, or a later date, if agreed upon by the Complainant/guardian. The compensatory educational services shall be delivered in a manner so as not to hinder the delivery of any services required by the Student's current educational program.

Reporting Requirement: Within a month of the completed evaluation, if applicable, the Division will provide documentation that those services were offered, and, if applicable, a copy of any response from the Complainant/guardian.

Reporting Requirement: By December 15, 2015 and again by June 30, 2016, if applicable, the Division will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, a description of the services that were provided, and the name(s) of the service provider(s) or any attempts made to deliver such services.

3. The Division will revise its Section 504 evaluation and placement procedures, including its handbook and grievance procedures, to reflect the requirements of the Section 504 regulations and the Americans with Disabilities Act Amendments Act of 2008. Specifically, the Division will revise the handbook and procedures to explain when and in what circumstances evaluation is necessary, include the appropriate standards for determining whether a student is a qualified student with a disability (i.e., major life activity and substantial limitation), provide an accurate definition of free appropriate public education, and notify students and parents of the applicable grievance procedures for addressing complaints of discrimination based on disability.

Reporting Requirement: By September 30, 2015, the Division will submit to OCR a draft of its Section 504 evaluation and placement procedures. Within 30 days of receiving feedback from OCR, the Superintendent of the Division shall publish and disseminate the policy accordingly. The Division will provide OCR with documentation that it has published and disseminated the policy and procedures within 10 days of publication.

4. By October 30, 2015, the Division will provide training to its administrators and instructional staff on the requirements of Section 504 and Title II and on the Division's revised Section 504 evaluation and placement procedures. The training will emphasize the Division's obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services and will also address the requirement that the Division provide notice to students' parents or guardians

of any actions related to the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special instruction or related services. The Division will also develop and disseminate a memorandum to all instructional staff and administrators in the Division reminding them of their obligation under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids or services and to provide notice to students' parents or guardians of any actions related to the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special instruction or related services.

Reporting Requirement: At least 20 days before the proposed training, the Division will provide OCR with the title and qualifications of the trainer, copies of the agenda and training materials, and a copy of the memorandum, for OCR's review and approval to ensure the proposed training and memorandum satisfy the requirements of Section No. 3.

Reporting Requirement: Within 20 days after the training, the Division will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); (b) a list of names and titles of the Division personnel who participated in each training session; and (c) confirmation that the approved memorandum was issued to all School staff.

The Division understands that OCR will not close the monitoring of the Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner and in accordance with the reporting requirements of this Agreement. Further, the Division understands that during the monitoring of this agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/S/_____
Superintendent

_____/8/14/15_____
Date