

**Resolution Agreement
Warren County Schools
OCR Complaint No. 11-15-1091**

Warren County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1091. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

STUDENT SPECIFIC REMEDIES

1. By November 30, 2016, after providing written notice and an invitation to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student for the purpose of developing a plan for providing compensatory and/or remedial services to the Student (i) due to being restrained on January 13, 2015, and (ii) for the time period the Student's Functional Behavior Assessment and development of her Behavioral Intervention Plan were pending from approximately January 29, 2015 to March 16, 2015. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond March 31, 2017. The District will provide the Student's parent/guardian written notice of the group's determination, including the schedule for providing compensatory and/or remedial services and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within one week of the meeting, the District will submit to OCR for review and approval a copy of meeting minutes or similar documentation from the meeting referenced in Provision 1 above, 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. OCR will review the documentation submitted to ensure that the School 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.
- b. If the Complainant either (a) refuses the District's offer of compensatory and/or remedial services or (b) fails to respond to the District's offer of compensatory and/or remedial services, then the District shall have no further responsibilities under this Section. The District will submit supporting documentation to OCR.
- c. If the Complainant accepts the District's offer of compensatory and/or remedial services, within 10 days, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

2. If the Student returns to the school setting from her current homebound placement in the District during the 2015-2016 or 2016-2017 school years, the District will convene a Section 504 or IEP team meeting within two (2) weeks of the Student's enrollment for the purpose of commencing a Functional Behavioral Assessment (FBA) of the Student consistent with the requirements of 34 C.F.R. 104.35(c) and develop an appropriate Behavior Intervention Plan (BIP). The District must gather new behavioral data, review and carefully consider all relevant testing and other evaluative data to complete a FBA, and develop an appropriate BIP for the Student; document its process and determination, ensuring that the determination conforms with Section 504's 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 is documented and carefully considered.

Reporting Requirement: Within 15 calendar days of completing a FBA and developing a BIP for the Student, consistent with the requirements of 104.35(c) of the regulation, the District will submit for OCR's review and approval the notes or minutes of the evaluation team meetings, the evaluative data reviewed, and a copy of any completed FBA and BIP developed.

DISTRICT-WIDE REMEDIES

3. The District submitted documentation to show that it trained District staff regarding the District's policy on the use of restraint and trained selected staff on the appropriate use of physical restraint in December 2015. For the next training, which OCR recommends on an annual basis, the District will train all District staff members who have responsibility for supervising students to ensure that the District's restraint policy is properly implemented. This includes providing training about the proper use of physical restraint and seclusion and the appropriate techniques.

Reporting Requirements:

- a. By August 26, 2016, the District will provide for OCR's review and approval a copy of the training materials prepared for Provision 3 above, including the name(s) and title(s) of the trainer(s) for each part of the training, the format of each training, and any handouts or presentations developed for this training. Within 30 days of OCR's approval of the training materials, the District will submit confirmation that the training has been provided to all District staff members who have responsibility for supervising students.
- b. Within 30 days of the completion of the approved trainings, the District will submit to OCR the name(s) and title(s) of the trainer(s), the dates of the training sessions, a copy of any materials used, and the sign-in sheet indicating the names, and titles of participants.

The District understands that OCR will not close 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 and Title II, which were at issue in the complaint.

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 groups of students, and request such additional reports or data as are necessary for OCR to determine that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in the complaint.

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 (24 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.

| _____ /S/ _____
Superintendent or designee
Warren County Schools

_____ 6/10/2016 _____
Date