

## **RESOLUTION AGREEMENT**

### **Spartanburg 6**

### ***OCR Case No. 11-15-1209***

Spartanburg County School District Six (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1209. 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 PROVISIONS**

1. By September 30, 2016, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of developing a plan for providing compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate specialized instruction in his related services area of occupational therapy from October 24, 2014 through March 19, 2015. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2016, if services are deemed necessary by the IEP Team. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

#### **Reporting Requirements:**

1. Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made; a description of and schedule for providing compensatory and/or remedial services (if any) to the Student; the notice of procedural safeguards; the written invitation to the Student's parent/guardian; and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District 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.
2. Within 10 calendar days of OCR's procedural feedback regarding the District's determination of any compensatory educational services and/or other appropriate relief, the District will contact the Complainant in writing; provide notice of the outcome of the meeting; outline the rationale for the determination, including a description of the Student's educational loss; and offer to provide the Student with compensatory educational services, if applicable. The District will also provide the Complainant a copy of its plan for providing those services. If the Complainant accepts the District's offer, the District will begin to provide the services within 10 calendar days from the dates of its receipt of the Complaint's acceptance, or a later date, if agreed upon by the Complainant. 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.

3. By January 15, 2017, 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 names(s) of the service provider(s).

MEMORANDUM FOR STAFF

1. The District will develop and disseminate a memorandum to all instructional staff and administrators at LE Gable Middle School (the School), as well as to any outside service provider(s) who work with students with disabilities at the School, reminding them of their obligation under Section 504 to fully implement a student's IEP and to make up any missed services as appropriate.

**Reporting Requirement 1:** By September 15, 2016, the District will provide for OCR's review and approval a draft of the memorandum outlined above.

**Reporting Requirement 2:** Within 15 days of OCR's approval, the District will issue the memorandum and provide documentation (e.g., email, etc.) demonstrating that it has been disseminated.

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 at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

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 this 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 this Agreement and is in compliance with the regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was 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 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.



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Superintendent or designee  
Spartanburg County School District Six

