

**Resolution Agreement**  
**Orangeburg Consolidated School District Five**  
OCR Complaint No. 11-16-1281

The Orangeburg County School District Five (the “District”) voluntarily enters into this Resolution Agreement with the U.S. Department of Education’s Office for Civil Rights (OCR) to resolve OCR Complaint No. 11-16-1281 filed pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). This Agreement does not constitute an admission of liability on the part of the District and OCR has made no determination that the District violated Section 504 or Title II. Implementation of the following commitments will resolve all issues related to the complaint.

1. **Evaluation of the Student**

Within 30 days of signing this agreement, after providing proper 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 conducting an evaluation of the Student for eligibility under Section 504. The team will consider information from a variety of sources, including but not limited to, the Student’s aptitude and academic achievement, medical documentation, behavior, strategies and interventions that have been attempted, teacher input, parental input, attendance and discipline record. The team will ensure that information obtained from all such sources is documented and carefully considered. The team’s process will conform to the procedural safeguards provision in the regulation implementing Section 504 at 34 C.F.R. § 104.36.

If the Student is determined to be eligible under Section 504, the team will determine whether the Student is entitled to receive compensatory and/or remedial services for any time during the 2015-2016 school that the Student did not receive appropriate regular and/or special education or related services, including, but not limited to, any occasions where he did not receive educational services due to disciplinary suspensions as well as any days where he participated under an abbreviated schedule. Where appropriate, the team will develop a plan for providing timely compensatory and/or remedial services as soon as reasonably possible with a completion date not to extend beyond the end of the 2016-2017 school year. The team may meet at or prior to the completion of compensatory services and determine if additional compensatory services are needed. The District will provide the Student’s parent/guardian with notice of the procedural safeguards, including the right to challenge the team’s determination through an impartial due process hearing.

If the Student re-enrolls in the District, within 10 days a team of individuals knowledgeable about the Student, the meaning of evaluation data and placement options, will meet to determine an appropriate placement for the Student and as appropriate will develop a Section 504 plan for the Student.

### **Reporting Requirements**

- A. Within one week of the meeting to conduct an evaluation, 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.
- B. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
- C. If it is determined that the Student is entitled to compensatory and/or remedial services, 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) within 10 days of the completion of those services.

### **2. Provision of Training**

By November 18, 2016, the District will provide training to all Section 504 case managers, administrators, and regular and special education teachers at the School on the District's legal obligations under Section 504. At a minimum, the training will cover the School staff's responsibilities for identifying and evaluating a student who needs or is believed to need special education or related services due to a disability; the process(es) by which to conduct a functional behavior assessment and develop a behavior intervention plan (BIP); and proper implementation and documentation of services and modifications provided pursuant to Individualized Education Programs (IEPs), 504 plans, and BIPs.

### **Reporting Requirements**

- A. By October 21, 2016, the District will provide OCR for review and approval an outline of the training referenced in item 2 above and the name and credentials of the individual who will be providing the training.
- B. By November 18, 2016, the District will provide OCR with a copy of the agenda and participant sign-in sheet from the training referenced in item 2 above.

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 regulatory provisions implementing Section 504, which were at issue in this case.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulatory provisions implementing Section 504, which 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 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.

FOR THE DISTRICT:

\_\_\_\_\_/S/\_\_\_\_\_  
Dr. Jesse Washington, III  
Superintendent or Designee

\_\_\_\_\_/9/29/2016\_\_\_\_\_  
Date