

RESOLUTION AGREEMENT

Craven County Schools
OCR Complaint No. 11-13-1319

Craven County Schools (the District) voluntarily enters into this resolution agreement (the Agreement), without admission of violation of applicable law, regulation or policy, with the U.S. Department of Education's Office for Civil Rights (OCR) to resolve OCR Complaint No. 11-13-1319.

Commitments

1. By May 30, 2014, the District will provide XXXX School (School) administrators and instructional staff training on the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). The training will emphasize the District'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. The District will also develop and disseminate a memorandum to all instructional staff and administrators in the School reminding them of their obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services.

Reporting Requirement: Within 10 days before the training, the District 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 Commitment 1.

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 District and/or School personnel who participated in each training session; and (c) confirmation that the approved memorandum was issued to all School staff.

2. By May 1, 2014, District staff will initiate a process to evaluate the Student to determine whether the Student, by reason of her medical condition XXXX, is substantially limited in one or more major life activities and needs special education and/or related aids and services under Section 504. The District will convene a meeting of the appropriate team at the Student's current school to review the evaluation information and make a determination as to Section 504 eligibility.
 - a. In making the Section 504 eligibility determination, the District will ensure that it draws on all available and relevant information from a variety of sources (including any testing or other information provided by Complainant); the decision is made by a group or team of people knowledgeable about the Student and her impairment, 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 because of 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 or Individualized Education Plan (IEP) for the Student.
- c. Unless the District has made a written offer to the Complainant granting the request for intra-district transfer under Commitment 3 herein, if the District determines that the Student is eligible for services under Section 504 or IDEA, the District will reconsider its determination regarding the Student's request for an intra-district transfer to the School for the 2013-2014 school year, considering whether the Student's absences were related to her medical condition/disability during the 2012-2013 school year and whether the Student should receive modifications to the intra-district transfer process as it pertains to absenteeism. If the District determines that the Student is eligible for an intra-district transfer to the School, it will make a written offer stating its determination to the Complainant immediately.
- d. If the District determines that the Student is eligible for services under Section 504 or IDEA, the team will review the Student's individual circumstances to determine whether any compensatory educational services or other appropriate relief should be provided to the Student had the District evaluated the Student between October 16, 2012 and the date of the evaluation and had the District determined that the Student was eligible for services under Section 504 at that evaluation. If so, the District will calculate the amount of any compensatory educational services and/or other relief to be provided to the Student based on the period from October 16, 2012, to the date of the development of an appropriate plan.

Reporting Requirement: Within 10 days of the meeting, the District 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 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: By May 2, 2014, the District will provide documentation of its determination of whether the Student is eligible for an intra-district transfer, including the factors considered and support for its determination for OCR's review. Within 10 days of the District's determination, if the Student is eligible, the District will provide documentation of its written offer to the Complainant and the Complainant's response. If the Complainant accepts the offer, the District will provide documentation to OCR within 5 days of the acceptance of its offer that it transferred the Student to the School effective immediately.

Reporting Requirement: Within 10 days of the meeting, if the Student was found eligible for services under Section 504 or the IDEA, the District will provide documentation of the 504/IEP team's consideration of whether the Student was entitled to compensatory educational services, including copies of any information/documents considered by the team in reaching its decision and including the rationale for any decision made for OCR's review and approval. If the team determines that the Student was not entitled to compensatory educational services, the District will provide documentation supporting that determination for OCR's review and approval to ensure procedural compliance with 34 C.F.R. 104.35.

Reporting Requirement: If applicable, within ten (10) 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 and offer to provide the Student compensatory educational services. If the Complainant accepts the District's offer, the District will develop a plan to provide the Student compensatory educational services and/or other appropriate relief and will begin to provide the services to the Student within fifteen (15) days from the dates of its receipt of the Complainant's acceptance, or a later date, if agreed upon by the Complainant. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when. 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: By May 30, 2014, if applicable, the District will provide documentation that those services were offered and, if applicable, will provide a copy of its plan to provide services to the Student.

Reporting Requirement: By August 1, 2014, the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s) or any attempts made to deliver such services.

3. The District may, in order to facilitate the resolution and monitoring of this matter under this Agreement, reconsider its determination regarding the Student's request for an intra-district transfer to the School for the 2013-2014 school year prior to the completion of the process described in Commitment 2 of this Agreement.

Reporting Requirement: Within 10 days of the District's reconsideration of its decision, the District will provide documentation of the results of its reconsidered decision and, if applicable, its written offer to the Complainant and the Complainant's response. If the Complainant accepts the offer, the District will provide documentation to OCR within 5 days of the acceptance of its offer that it transferred the Student to the School effective immediately.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35. The District also 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 regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35.

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.

/s/

3/28/2014

Superintendent
Craven County Schools

Date