

**Resolution Agreement
Yadkin County School District
OCR Complaint No. 11-14-1133**

Yadkin County School District (the District) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1133. This Agreement does not constitute, nor is it to be construed as, 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.

1. By November 2, 2014, or, if the Student requires further testing by the District prior to the meeting and such testing is agreed to by the Student's parent(s)/guardian(s), by December 15, 2014, after providing proper written notice to the Student's parent(s)/guardian(s), the District will convene a group of persons to evaluate whether the Student requires any related aids and services to have an equal opportunity to participate in the District's educational program. The evaluation team (such as the individualized education program (IEP) Team, if already established) will be knowledgeable about the Student and understand the meaning of the evaluation information that will be used to determine the proper placement for the Student. To determine the appropriate placement for the Student, including any related aids and services the Student may need to fully access the District's academic program, the evaluation team must consider a variety of documented information about the Student, including information from several sources, such as: the results of aptitude and achievement tests, teacher observations, and recommendations from the Student's health care providers. In determining whether the Student has a physical or mental impairment that substantially limits a major life activity, the evaluation team must not consider the ameliorating effects of any mitigating measures (except for ordinary eye glasses or contact lenses) that the Student is using, including medication.¹ The District will also provide the Student's parent(s) with notice of the applicable procedural safeguards, including the right to challenge the evaluation team's determination through an impartial due process hearing.

REPORTING REQUIREMENT: Within one week of the meeting referenced in Action Item 1, above, the District will submit to OCR a copy of the meeting minutes or similar documentation, including: an explanation for decisions made, a description of the related aids and services, if any, that will be provided to the Student, and, if applicable, a timetable for providing these related aids and services to the Student. OCR will review and approve the documentation submitted to ensure that the District has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§104.34, 104.35 and 104.36, in making these determinations.

2. If, pursuant to Action Item 1, the evaluation team determines the Student requires related aids and services in order to have an equal opportunity to participate in the District's educational program, by December 1, 2014, the evaluation team will determine whether the Student requires compensatory and/or remedial services as a result of not providing those services in January 2013. If the evaluation team determines that the Student requires compensatory and/or remedial services for any delay in providing the Student with related aids and services, the evaluation team will develop and implement a plan to provide these services, with a completion date not to extend beyond February 1, 2015. The plan will identify the nature and amount of the services to be provided, will identify who will provide the services and when they will be

¹ The Americans with Disabilities Act Amendments Act of 2008 (Amendments Act), effective January 1, 2009, amended the Americans with Disabilities Act of 1990 (ADA), and included a conforming amendment to the Rehabilitation Act of 1973 (Rehabilitation Act) that clarified the meaning of disability under Section 504.

provided, and will specify that the services will be provided at no cost to the Student's parents. The District will also provide the Student's parent(s) with notice of the applicable procedural safeguards, including the right to challenge the evaluation team's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By December 8, 2014, the District will provide the Student's parent(s) with written notice of the outcome of the meeting in Action Item 2, above, including a description of any educational loss, and, if applicable, provide the Student's parent(s) with a written offer regarding the District's provision of the compensatory and/or remedial services to the Student, including a description of how the services will be provided and a proposed timetable for the delivery of those services.

REPORTING REQUIREMENT: If the Student's parent(s) accept an offer by the District to provide compensatory and/or remedial services to the Student, the District will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the Student's parent(s)' acceptance of the District's offer, or at a later date, if agreed upon by the Student's parent(s). The compensatory and/or remedial services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program.

REPORTING REQUIREMENT: By March 1, 2015, the District will provide OCR with documentation of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

3. By January 30, 2015, the District will provide training to relevant School personnel, including all teachers, nurses, administrators, and any personnel responsible for evaluating students to determine their eligibility to receive special education and related aids and services. The training will address the expanded definition of disability under the Americans with Disabilities Act Amendments Act of 2008, the procedural requirements of Section 504 in the identification, evaluation, and placement of students, and the District's process for meeting these requirements.

REPORTING REQUIREMENT: By November 14, 2014, prior to the District's provision of training to relevant School personnel, the District will provide OCR with documentation of the training to be provided for OCR's review and approval, including: the date, time, and location where the training will be held; the name(s) and professional title(s) of the trainer(s); a copy of the training materials, including any handouts or presentations.

REPORTING REQUIREMENT: By February 15, 2015, following the District's provision of training to relevant School personnel, the District will provide OCR with a copy of the sign-in sheet from the District's provision of training to relevant School personnel, indicating the names and titles of participants.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the provisions Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or Designee
Yadkin County School District

_____/10-10-2014_____
Date