

Resolution Agreement
Lenoir County Public Schools
OCR No. 11-14-1304

The Lenoir County Board of Education (the “Board” or the “District”) voluntarily enters into this Resolution Agreement with the U.S. Department of Education’s Office for Civil Rights (OCR) to resolve the allegations 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) in Complaint No. 11-14-1304. 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 allegations 1, 2 and 3.

1. Development of an IEP. If the Student returns to the District any time before December 18, 2015:
 - a. Within 30 days of reenrollment, the District will convene an IEP meeting to review all available data (including all data provided by the parent for consideration), and, if determined appropriate by the IEP team, initiate a re-evaluation of the student, complete a Functional Behavioral Assessment (FBA), and develop a Behavior Intervention Plan (BIP) for the Student. The goal of any BIP that may be developed would be to address any current behaviors of the Student that are reported to the team to impede the Student’s learning or that of other students. In addition to the required IEP team members, present at the above-mentioned meeting will be an individual with experience in behavior intervention strategies, who has observed the Student in at least 3 different settings at the School, and who has met with and discussed the student’s behavior with each of the Student’s current teachers.
 - i. If a BIP is developed, either at this initial IEP meeting or at any subsequent IEP prior to December 18, 2015, the district will provide a copy of the BIP to the Student’s teachers and any other School staff who may have supervisory responsibility over the Student from time-to-time and will ensure they receive training on how to implement the BIP.
 - ii. For any BIP that is developed, whether at this initial IEP meeting or any subsequent meeting prior to December 18, 2015, the District will convene IEP meetings to review and modify the Student’s BIP, as deemed appropriate by the IEP team, at a minimum of every nine weeks that school is in session.
 - iii. If, after first and second review meetings, the IEP team determines that the Student’s behaviors create a barrier to his accessing the curriculum, or create disruption to the learning of those around him, the District shall convene a follow-up IEP meeting within twenty school days to discuss the

Student's behavior-related needs. The District will ensure that this meeting be attended by an individual with expertise in Autism and experience in advising families and/or school districts in the development of behavior-related strategies specific to children with Autism. The role of the consultant shall be to attend the follow-up meeting and to provide recommendations to the Student's IEP team in regard to the management of the Student's behavior.

2. Provision of Training.

- a. By April 30, 2015, the District will offer training to all Exceptional Children's and/or 504 case managers, and regular and special education teachers at Rochelle Middle School on the District's legal obligations under Section 504 and the IDEA. At a minimum, the training will cover the following topics:
 - i. Discipline of students with disabilities, including the District's obligation to conduct a manifestation determination meeting; determining change of placement; the impact of informal removals on the calculation of the ten-days; and the development of Functional Behavioral Assessments and Behavior Intervention Plans
 - ii. Proper implementation and documentation of services and accommodations provided pursuant to IEPs and/or 504 Plans; and
 - iii. Obligations to providing equal access to both academic and extracurricular activities pursuant to Section 504 and the ADA (including field trips).
- b. By August 30, 2015, the District will provide a repeat training session to all Exceptional Children's and/or 504 case managers, and regular and special education teachers at XXXX School who did not participate in the training outlined in paragraph 2 above.

3. Reporting Requirements.

- a. By each of two reporting deadlines—June 30, 2105, and December 18, 2015—the District will notify OCR whether the Student has returned to the District. If the student has returned, the District will provide OCR with a copy of the Student's discipline report for the year and documentation of item #1, including
 - i. Copies of any and all IEPs, FBAs, and BIPs developed;
 - ii. Copies of information used in developing any IEPs, FBAs, and BIPs;
 - iii. Meeting minutes, if maintained;
 - iv. The name, title, and qualifications of the individual at the meeting with experience in behavior intervention strategies and who has observed the student in three different settings at the school; and
 - v. If a BIP is developed, documentation that the Student's teachers and other School staff with supervisory responsibility for the Student have received copies of the student's BIP and received training on how to implement the BIP.

- b. By March 30, 2015, the District will provide OCR for review and comment an outline of the training referenced in item #2 above and the name and credentials of the individual who will be providing the training.
 - c. By September 30, 2015, the District will provide OCR with a copy of the agenda and sign-in sheet from the trainings referenced in item #2 above.
4. 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.
5. 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.

FOR THE BOARD:

_____/S/_____
Dr. L. Stephen Mazingo
Superintendent

_____/2/19/15_____
Date