

Resolution Agreement
Northampton County Public Schools
OCR Complaint No. 11-15-1101

Northampton County Public Schools (the Division) voluntarily enters into this resolution agreement with the Office for Civil Rights (OCR) to resolve Complaint No. 11-15-1101. This Agreement does not constitute an admission of discrimination or wrongdoing by the Division under Section 504 or Title II or any other law enforced by OCR. Implementation of the following commitments will resolve all issues in the complaint.

1. By September 30, 2015, the Division 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 Division'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.

Additionally, the Division will provide training to the Student's teachers and staff members who work with him about the Student's individual needs and implementation of his Section 504 Plan and any additional health, allergy, or emergency plans developed for him.

Finally, the Division 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. The memorandum will also reference the Division's policy prohibiting discrimination based on disability and provide a reminder of the Division's obligation not to discriminate on prohibited bases, including disability.

Reporting Requirement: At least 10 school days before each training, the Division will provide OCR with the title and qualifications of the trainer(s), and copies of the agenda and training materials, for OCR's review and approval to ensure the proposed training and memorandum satisfy the requirements of Commitment 1.

Reporting Requirement: Within 15 school 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); and (b) a list of names and titles of the Division and/or School personnel who participated in each training session.

Reporting Requirement: By August 24, 2015, the Division will provide for OCR's review and approval a draft of the memorandum.

Within 10 school days of OCR's approval of the draft memorandum, the Division will issue the memorandum to the parties outlined above. The Division will provide

documentation that it has issued the memorandum by September 18, 2015, including providing a copy and an indication of who issued it and who received it.

2. The Division will meet to determine what amount of compensatory and/or remedial services is necessary for the Student for the time period the Student did not attend school from December 15, 2014 until January 26, 2015. As appropriate, the team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond November 1, 2015. 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 Division will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement: Within 10 school days of the meeting, the Division will provide documentation of the 504 team's decisions made with regard to compensatory educational services, including an explanation for decisions made, and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student and the notice of due process, as well as copies of any information/documents considered by the team in reaching its decision. 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.

Reporting Requirement: If applicable, within 10 days of OCR's procedural feedback regarding the Division's determination of any compensatory educational services and/or other appropriate relief, the Division will contact the Complainant in writing and offer to provide the Student compensatory educational services. The Division will provide the Complainant a copy of any plan developed for providing those services. If the Complainant accepts the Division's offer, the Division will begin to provide the services within fifteen school days from the date of its receipt of the Complainant'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.

Reporting Requirement: By December 22, 2015, if applicable, the Division will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, a description of the services that were provided, and the name(s) of the service provider(s) or any attempts made to deliver such services.

3. The Division will provide OCR with documentation that the Division is implementing the Student's Section 504 Plan.

Reporting Requirement: On January 8, 2016 and June 24, 2016, the Division will submit to OCR copies of all documentation kept showing compliance with the provisions of the Student's Section 504 Plan.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The Division 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 Division understands that during the monitoring of this Agreement, if necessary, OCR may visit the Division, interview staff and students, and request additional reports or data as necessary for OCR to determine whether the Division fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II, which were at issue in this case.

The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/S/_____
Superintendent or Designee

____8/11/15_____
Date