

RESOLUTION AGREEMENT
Bertie County Schools
OCR Complaint No. 11-15-1127

Bertie County Schools (the District) voluntarily agrees to enter into this Resolution Agreement (Agreement) in order to resolve the above-referenced complaint. This Agreement does not constitute 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. Implementation of the following commitments will resolve all issues in the above-referenced complaint.

SUBSTANTIVE PROVISIONS

1. The District will convene a group of persons knowledgeable about the Student to review the Student's file and assess whether the District provided the Student a free and appropriate public education (FAPE) with regards to the implementation of services documented in the Student's individualized education program (IEP) related to Occupational Therapy, Speech/Language Therapy, Orientation and Mobility services and Vision Impaired services, from November 2014 to April 2015. In making this determination, the team will provide written notice to the Student's parent (the "Complainant") inviting her to the meeting and will solicit and consider information from the Complainant. If this team determines that services were not provided such that the Student was denied FAPE, it will determine the extent to which compensatory and/or remedial services are owed to the Student. In making this determination, the team will consider whether the student experienced any educational deficiencies resulting from missed services, if any, during the time period between November 2014 and April 2015. If the student is owed compensatory services, the team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 2015.
2. Regardless of whether the Complainant attends the meeting referenced in Paragraph 1, within fifteen (15) days of the meeting, the team will provide a letter to the Complainant to notify her of the outcome of the meeting and offer compensatory and/or remedial services as determined pursuant to this Paragraph 1, if appropriate. The District will provide the Complainant with written authorization regarding the District's provision of the compensatory services to the Student that includes a description of how and when the services will be provided and that the Complainant will have thirty (30) days to notify the District whether she accepts or rejects the offer. The letter also will provide the Complainant notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIRMENT

- a. Within **twenty (20) calendar days of the date of this Agreement**, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Paragraph 1 above, including an explanation for the decisions that were made, a description of the services and a schedule for providing compensatory services to the Student and notice of due process. This

information should also include the names and titles of all meeting participants. OCR will review the documentation submitted to ensure that the District 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.

- b. Within five (5) calendar days after the completion of OCR's review and approval of the meeting minutes and other documentation from the meeting, the District will submit a copy of the letter sent to the Complainant, referenced in Paragraph 2.
 - c. If the Complainant accepts the District's offer and authorizes the services, the District will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the parent's acceptance of the offer, or at a later date, if agreed upon by the Complainant. The compensatory education program 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. By January 4, 2016, 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), if applicable.
 - d. If the Complainant does not accept the District's offer within thirty (30) days and does not authorize the compensatory services to be provided, the District will provide notice to OCR within five (5) calendar days of receipt of Complainant's rejection of the offer.
3. The District will also disseminate a memorandum to all staff and administrators at the School reminding them of their obligations under Section 504 to implement related services to students who need special education and/or related aids and services in accordance with their Section 504 Plan or individualized education program (IEP). The memorandum will reference the District's obligation to provide a free and appropriate education under the regulation implementing 34 C.F.R. § 104.33.

Reporting Requirement

- a. Within fifteen (15) days following the date of this Agreement, the District will submit to OCR for review and approval the proposed memorandum described in Paragraph 3.
- b. Within **5 calendar days** of receiving notice of the completion of OCR's approval of the memo referenced in Paragraph 3 approval, the District will disseminate the memorandum to staff and administrators at the School, and will provide OCR with documentation that the memorandum was disseminated.

The District understands that OCR will not close monitoring of this Agreement until OCR determines that the District 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 the complaint.

The District understands that, by signing this Agreement, it agrees to provide 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 groups of students, and request such additional reports or data as are necessary for OCR to determine that the District 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 the complaint.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the 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.

APPROVAL

By: _____/S/_____
Elaine White, Superintendent
Bertie County Schools

Date _____5/6/15_____