

RESOLUTION AGREEMENT

McDowell County Schools

Complaint No. 11-15-1208

McDowell County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the above-referenced complaint.

1. This Agreement does not constitute an admission by the District of any 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.
2. Full implementation of this Agreement by the District resolves the allegations in, and OCR's compliance concerns regarding, the above-referenced complaint.
3. All actions taken by the District pursuant to this Agreement will comply with the requirements of Section 504 and Title II.
4. By October 27, 2015, the District will contact the Complainant in writing and ask her if she would like the District to consider providing the Student with compensatory or remedial education services for the time period the Student may not have received appropriate related aids or services during the 2014-2015 school year.

Reporting Requirement:

By November 10, 2015, the District will provide OCR with a copy of the communication sent to the Complainant referenced and a copy of her response. If the Complainant does not respond in writing, the District will provide a written statement describing her response.

5. If the Complainant would like the District to consider providing the Student with such services, the District will invite her to attend a meeting, which will take place by November 17, 2015, with a group of individuals who are knowledgeable about the Student and her 2014-2015 coursework. The purpose of that meeting will be to develop a plan for providing compensatory or remedial services to the Student for the time period the Student did not receive appropriate regular or special education or related services during the 2014-2015 school year. The group will develop a plan for providing adequate compensatory or remedial services with a completion date not to extend beyond January 15, 2016. The District will provide the Complainant with notice of procedural safeguards,

including the right to challenge the group’s determination through an impartial due process hearing.

Reporting Requirements:

- a. Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and the notice of procedural safeguards it provided to the Complainant. 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.

- b. By January 29, 2016, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, if any, a description of what was provided, and the names of the service providers.

The District understands that OCR will not close the monitoring of this Agreement until it determines that the District has fulfilled all of its terms and is in compliance with Section 504 and Title II with respect to the issues addressed in this Agreement. During the monitoring of this Agreement, OCR may visit the District, interview staff and students, and request such additional reports and data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II with respect to the issues addressed in this Agreement. OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement, but before initiating such proceedings, OCR will give the District written notice of the alleged breach and a minimum of sixty (60) calendar days within which to cure it.

APPROVAL

By: _____/S/_____
Mark Garrett, Superintendent
McDowell County Schools

____10/9/2015_____
Date