

**Resolution Agreement
New Hanover County Schools
OCR Complaint No. 11-15-1240**

New Hanover County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-15-1240. 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.

1. The District will create/amend the District policy or policies that address electronic communications made by or on behalf of a parent to District personnel. The amended policy or policies will identify what type of electronic communications are prohibited, require District personnel to issue a written warning in response to prohibited conduct, specify consequences for violations of the policy or policies, and identify a procedure for the affected parent to appeal any consequences imposed. The amended policy or policies will further (i) state that District personnel may not restrict electronic communications made by or on behalf of a parent in retaliation for engaging in activities protected by the federal civil rights laws and (ii) cross-reference the District's retaliation policy or policies.

Reporting Requirements:

- a. By October 25, 2017, the District will provide to OCR for review and approval a draft policy or policies to ensure that the proposed policy or policies satisfies the requirements of Action Item 1.
 - b. Within 30 calendar days of the District adopting the policy or policies, including any changes requested by OCR and agreed to by the District, the District will provide to OCR a copy of the Board of Education minutes, if applicable, or other documentation verifying that the revised policies have been adopted, along with a copy of each policy.
 - c. Within 10 calendar days of the Board of Education's adoption of the OCR-approved policy or policies, the District will (i) publish a copy of the approved policy or policies on its website; and (ii) provide to OCR a statement verifying that the posting has occurred, along with a uniform record locator (URL) at which the posting may be found.
2. By November 15, 2017, the District will provide mandatory retaliation training to all District/School administrators. At a minimum, the training will include: (i) guidance describing the basic principles of retaliation, including notice that the District may not retaliate against any individual asserting a right or privilege secured by the Federal civil rights laws or regulations enforced by OCR; (ii) guidance on who is protected, what constitutes a protected activity, and what constitutes a prohibited adverse action; (iii)

contact information for individuals to file complaints with the District or OCR; and (iv) a discussion of the District's retaliation policies and procedures.

Reporting Requirements:

- a. By October 15, 2017, the District will provide OCR with the title and qualifications of the trainer, copies of the agenda, and any training materials for OCR's review and approval to ensure that the proposed training satisfies the requirements of Action Item 2.
 - b. By November 22, 2017, the District will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a sign-in sheet including a list of the names, signatures, and titles of the District personnel who participated in each training session.
3. By November 15, 2017, the District will provide training to all administrators and instructional staff at XXXX and XXX on the requirements of Section 504 and Title II. The training will emphasize the District's obligations under Section 504 to fully implement all special education and/or related aids and services. It will also outline the requirement that District staff not discriminate against students on the basis of disability. Furthermore, the training will detail the District's/School's policies and procedures pertaining to Section 504 and Title II, and will ensure that administrators and staff are aware of the contact information for the District's Section 504 Coordinator.

Reporting Requirements:

- a. By October 15, 2017, the District will provide OCR with the title and qualifications of the trainer, copies of the agenda, and any training materials for OCR's review and approval to ensure that the proposed training satisfies the requirements of Action Item 3.
 - b. By November 22, 2017, the District will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a sign-in sheet including a list of the names, signatures, and titles of the District personnel who participated in each training session.
4. The District will require the appropriate administrators at XXXX to prepare a memorandum describing the School's procedure for selecting and offering enrollment to students, including students whose end-of-grade test scores render them otherwise non-eligible, in the Supplemental Educational Services program. The memorandum will include an antidiscrimination statement and will specify that XXXX will employ the procedure beginning in the 2017-2018 school year. The District will require the appropriate administrators at XXXX to distribute the memorandum by the beginning of the 2017-2018 school year, or upon OCR's approval of the memorandum as described in Reporting Requirement 4(a), whichever is later, to XXXX administrators and instructional staff involved in the selection of students for the Supplemental Educational

Services program. Action Item 4 shall not apply in the event that XXXX discontinues the Supplemental Educational Services program.

Reporting Requirements:

- a. By October 15, 2017, the District will provide to OCR for review and approval the draft memorandum to ensure that it satisfies the requirements in Action Item 4, or will notify OCR that it is discontinuing the Supplemental Educational Services program.
 - b. Within 5 calendar days of distributing the memorandum as described in Action Item 4, including any changes requested by OCR and agreed to by the District, the District will provide written confirmation of the distribution to all School administrators and instructional staff involved in the selection of students the Supplemental Education Services program.
5. The District will issue a letter to the Complainant rescinding its restriction on email communication to District staff.

Reporting Requirements:

- a. By September 11, 2017, the District will issue a letter to the Complainant asserting that it is rescinding its restriction on email communication to District staff.
- b. By September 15, 2017, the District will provide a copy of this letter to OCR.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 Section 504 and Title II 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the 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 60 calendar days to cure the alleged breach.

_____/s/_____
Superintendent
New Hanover County Schools

_____/8/23/2017_____
Date