

RESOLUTION AGREEMENT
Rockingham Public Schools
OCR Case No. 11-16-1026

Rockingham Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1026. 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. By December 30, 2016, the District will provide training to all District and school-level administrators and staff responsible for identifying students who may be in need of special education or related services, including but not limited to all participants in Student Study Committees, on how to appropriately identify and refer students who may be in need of special education or related services under Section 504 or the Individuals with Disabilities Education Act (IDEA). The training will be provided by an individual or outside third party who has sufficient knowledge, experience, or education about Section 504 and IDEA. The training will include discussion of Health Treatment Plans (HTPs), which may comply with the provisions of Section 504, provided that where appropriate, students with HTPs who are students with disabilities who may need related aids and services are provided evaluation, placement, and procedural safeguards required by the Section 504 regulation. The training will also include a sufficient period of time that allows for questions and answers.

Reporting Requirement:

By November 15, 2016, the District will submit to OCR for its review and approval the name and qualifications of the individual proposed to provide the training, a copy of the draft presentation, and all handouts to be provided. OCR shall respond to the District no later than thirty (30) days after the District provides the materials to OCR for review to approve or provide feedback.

Within five (5) school days of providing the training, the District will provide OCR with sign-in sheets from the training sessions, a copy of the final presentation, and all handouts provided.

2. By February 28, 2017, and after the training required above is completed, the District will review all of the HTPs for students of XXXX School (the School), and determine whether the District has information any of those students have a physical or mental impairment that substantially limits one or more major life activities; or have a record of such an impairment. For students determined to have such an impairment or a record of such an impairment, the District will, after providing proper written notice to the Student's parent/guardian, convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of considering eligibility for special education or related services, and if found eligible,

developing and promptly implementing an IEP and/or Section 504 Plan, which can encompass the HTP as long as it is viewed as such, developed by a properly constituted team, and is subject to the procedural protections provided by Section 504.

Reporting Requirement:

By March 15, 2017, the District will submit to OCR an Excel spreadsheet listing each student with a HTP at the School, whether the student was determined to have physical or mental impairment that substantially limits one or more major life activities or have a record of such an impairment, and if so, listing the impairment, the date of each identified student's meeting; and whether the student was found eligible for services under Section 504.

3. The District will develop and disseminate a memorandum to all parents and guardians of students in the District informing them of the District's policy prohibiting discrimination based on disability and its policy regarding Section 504, including an explanation of parents' and students' rights under Section 504, a description of qualifying impairments, and notice to parents about the procedural safeguards available to them under Section 504, including as they apply to Student Study Committee decisions.

Reporting Requirements:

- a. By November 15, 2016, 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 memorandum, the District will disseminate the memorandum to all parents and guardians of students in the District, and will provide OCR with documentation that the memorandum was disseminated.
- c. The District will certify that the memorandum was sent to all parents/guardians.

The District understands that OCR will not close the 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 at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

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 regulations implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

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

By: _____/S/ _____ Date: _____ 10/5/16 _____
Name and Title