

**RESOLUTION AGREEMENT**  
**Johnston County Schools**  
***OCR Case No. 11-16-1062***

Johnston County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1062. 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 September 1, 2016, the District will update its policy regarding how to address disability-related issues that arise in classes its students take at the College to comply with Section 504 and Title II.

Reporting Requirement:

- a. By September 5, 2016, the District will submit to OCR a copy of the updated policy. OCR will review the documentation submitted to ensure that the policy meets the requirements of the regulations implementing Section 504 and Title II.
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2. By June 1, 2016, after providing proper written notice to the Student's parent/guardian, the District will convene a group or groups of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, to ensure that the Student's plan allows her to receive FAPE in all of her classes, including her classes at the College, and to determine whether the Student should receive compensatory and/or remedial services for the time period the Student may not have received appropriate regular and/or special education or related services, from the start of the 2015-2016 school year to the present. If the group determines that the Student should receive compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond September 1, 2016. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

- 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, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. 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 September 15, 2016, the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s), if any compensatory services are determined to be needed.

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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35 respectively.

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, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35 respectively, 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: \_\_\_\_\_4/20/2016\_\_\_\_\_

Name and Title