

**RESOLUTION AGREEMENT**  
**Northampton County Public Schools**  
***OCR Case No. 11-16-1185***

Northampton County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1185. 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 January 31, 2017, after providing proper written notice to the Student's guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the guardian, with the purpose of developing a plan for providing compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate regular and/or special education or related services, from September 1, 2015 to July 27, 2016. The team shall consider the need for compensatory and/or remedial services for all classroom instruction time the Student missed due to disciplinary exclusion between November 9, 2015 and May 25, 2016. The group will develop a plan for providing timely compensatory and/or remedial services to commence by [date] and a completion date not to extend beyond the beginning of the 2017-2018 school year. The District will provide the Student's guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

The plan shall include a provision that the District will provide the Student with at least 23 hours of one-on-one instruction as the District agreed to provide in a May 25, 2016 IEP meeting, and at least 25 sessions of compensatory counseling services it failed to provide the Student in the 2015-16 school year. Compensatory service sessions will be scheduled by mutual agreement of the District and the guardian. Sessions cancelled due to teacher unavailability, school closing, or inclement weather will be made up. Sessions missed or cancelled by the Student or Guardian with less than 24 hours' notice will not be made up. If the Student fails to appear for three or more consecutive sessions without advance notice, the District shall notify OCR and will be relieved of its obligation to provide further sessions.

In order to inform the team's decision-making and to address the prior denial of FAPE, prior to January 13, 2017, the District will:

- a. Provide a comprehensive, independent, psycho-educational evaluation of the Student, conducted by an independent highly-qualified professional agreed upon by the Complainant and the District, with specific attention to the student's reading abilities and any reading deficits;
- b. Hire an independent behavioral consultant to be present at and participate as a team member in IEP meetings at which the student's Behavior Intervention Plan is reviewed and/or behavioral concerns or manifestation determinations are discussed, at least through December 2017.

Reporting Requirements:

- i. 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 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.
  - ii. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
  - iii. Prior to December 22, 2016, the District will provide OCR with written documentation that the Complainant and District have agreed upon an independent professional to conduct the psycho-educational evaluation with reading assessment.
  - iv. On or before August 25, 2017, 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).
2. By May 1, 2017, the District will provide training for all District teachers behavior specialists, and administrators including specific content about behavioral intervention strategies, including alternatives to suspension and positive behavior intervention strategies; IEP and BIP implementation; the District's policy on disability-based harassment; best practices for working with children with emotional disabilities and learning how a child's disability can impact his/her behavior, including discussion of Serious Emotional Disability; and preventing retaliation against individuals exercising civil rights.

Reporting Requirement: 30 days in advance of the training(s), the District will provide OCR with the materials for these trainings, as well as the title and credentials of the individual(s) who will provide the training, and will meaningfully incorporate any feedback OCR provides. 2 weeks in advance of the training(s), the District will provide OCR with the edited materials for these trainings incorporating any feedback OCR provided. Within two weeks following the training, the District will provide OCR with a sign-in sheet of attendees and any feedback forms submitted by the participants.

3. The District must take all steps necessary to assure that the Complainant receives all automated calls made through the Powerschool and Blackboard systems applicable to Student, as long as Complainant has the legal authority to receive school notices under state law, whether by consent of the Student’s parents or by court order.

Reporting Requirement: By January 31, 2017, the District will acquire the Complainant’s preferred method of communication and contact information, and will, via email, provide OCR and the Complainant with documentation outlining all of the steps it has taken to assure that Complainant receives all school information in a timely manner, including automated calls made through the Powerschool and Blackboard systems.

4. By January 31, 2017, the District will review the Student’s disciplinary records and remove the records of disciplinary sanctions that were imposed without a required manifestation determination review between November 9, 2015 and May 25, 2016 from the Student’s record and provide the Complainant with notification of the revisions to his record.

Reporting Requirement: By February 10, 2017, the District will provide OCR with documentation evidencing its compliance with provision 4 above, including a current copy of the Student’s disciplinary record and a copy of the notification provided to the Complainant.

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, 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 regulations 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: \_\_\_\_\_12/14/16\_\_\_\_\_

Dr. Monica Smith-Woofter, Superintendent