

RESOLUTION AGREEMENT
Hoke County Schools
OCR Case No. 11-16-1828

Hoke County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1828. 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. Within thirty (30) days of OCR approval, the District will provide training to all administrators and staff at XXXX responsible for identifying students who may be in need of special education or related services, including any District-level administrators or staff involved in the eligibility decision for the Student, including the EC Program Preschool Coordinator, the District Executive Director of Student Support Services, and School Principal, 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 a sufficient period of time that allows for questions and answers. The training will include pre-training and post-training tests that assess the knowledge gained by participants, and course evaluations that attendees will be required to complete and submit to the District following the training.

Reporting Requirement:

By May 1, 2017, 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, including the course evaluations, pre-test and post-test. Within ten (10) days of receiving OCR's feedback, 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, evaluation feedback forms, and the results of the pre-training and post-training test scores for each attendee.

2. By August 1, 2017, the District will review records of all students in the District who were evaluated for services under IDEA and found ineligible in the 2015-16 and 2016-17 school years. For any students found ineligible who were not referred for evaluation under Section 504, 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 Individualized Education Program (IEP) and/or Section 504 Plan.

Reporting Requirement:

Within thirty (30) days of completing the above-described review, the District will submit to OCR an Excel spreadsheet listing each student the District reviewed, whether the student was initially evaluated under Section 504, the date and result of that evaluation (whether found eligible or not), and if the student was not evaluated under Section 504 after being found ineligible under IDEA, then the date of each identified student's meeting; and whether the student was found eligible for services under Section 504.

3. By April 1, 2017, the District will send the Complainant a letter explaining that it should have evaluated the Student under Section 504, that it should have made interim arrangements so that the Student could have received an education beginning on August 29, 2016, and should the Complainant elect to return to the District, that the District will evaluate the Student and ensure the Student is able to receive a free and appropriate education in the District.

Reporting Requirement:

Within two weeks of sending the above-described letter, the District will submit to OCR a copy of the letter as well as certify the District mailed and emailed the letter 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.

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: _____03/06/2017_____
Name and Title