

RESOLUTION AGREEMENT
Durham Public Schools
OCR Case No. 11-16-1861

Durham Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1861. 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 30 calendar days of the date of this Agreement, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of developing a plan for providing compensatory and/or remedial services to the Student for the time period from XXXX, to XXXX. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the beginning of the 2017-2018 school year. 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 Requirements:

- 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 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. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/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 to the Student. The District will provide a copy of this written notice to OCR.
 - c. By the beginning of the 2017-2018 school year, 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. Prior to the end of the 2016-2017 school year, the District shall provide training to XXXX administrators and relevant staff, including the Principal, Assistant Principal(s), School Counselor(s), School Psychologist(s), Multi-Tiered System of Support (MTSS) Facilitator(s), Interventionist(s), and Exceptional Children (EC) Facilitator(s), regarding the District's obligation to timely evaluate a student when the District has reason to

suspect the student has a disability and needs special education or related services as a result of the disability. XXXX 2 SENTENCES REDACTED XXXX.

Reporting Requirements:

- a. Within 30 calendar days of the date of this Agreement, the District shall provide OCR with a copy of its training plan, including the name and qualifications of the trainer, the planned agenda, and any presentations, handouts, or other materials the District plans to use for the training. OCR will respond to the District with any comments or concerns, and will notify the District when OCR approves the training plan.
- b. Within 30 calendar days after OCR's approval of the training plan, the District shall conduct the training and provide verification, including a copy of the sign-in sheet, to OCR.

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: _____04/27/2017_____

Dr. Bert L'Homme, Superintendent