

**RESOLUTION AGREEMENT**  
**Durham Public Schools**  
***OCR Case No. 11-17-1196***

Durham Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1196. 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.

**Action Item A:**

The District will develop and provide training to School staff including teachers, front office staff, case managers, administrators, and any other personnel responsible for identifying and evaluating students who, because of a disability, need or are believed to need special education and/or related aids and services consistent with the requirements of Section 504 and Title II. The training, at a minimum, will include the District's obligations to identify and evaluate students believed to need special education services, and to provide a free appropriate public education (FAPE) to students with disabilities, specifically, by developing an Individualized Education Plan (IEP) or Section 504 Plan, in accordance with the procedural requirements set forth in 34 C.F.R. §104.35(c), or convening an IEP or 504 team meeting to review an existing plan where there is a concern raised or an indication that the existing plan is not meeting a student with a disability's individual educational needs. The training will emphasize the District's protocols for transfer students enrolling in the District with an existing Section 504 Plan, IEP, or other plan in effect from another school district. Specifically, the training will review what to do when the District is made aware a student has been identified previously by another district and when requested records are not received from the other district.

**Reporting Requirements:**

- a. By July 31<sup>st</sup>, 2017, the District will submit for OCR's review and approval the proposed training materials as described in Action Item A. The District will also identify the individual(s) who will conduct the training and the qualifications of the individual(s).
- b. Within 75 days of written notification from OCR of its approval of the training, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item A, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

**Action Item B:**

Within 10 days of the date this agreement is signed, the School will forward to the Student's current school XXXX the Student's Section 504 Plan or any other documentation to support the

provision of appropriate special education or related aids and services for the Student and confirm receipt by the Student's current school.

**Reporting Requirement:**

Within 15 days of the date of this agreement, the District will submit for OCR's review all documentation of contact with the Student's current school and a record of confirmation from the Student's current school.

**Action Item C:**

Within 30 days of the date of this agreement, the District will join a group of persons knowledgeable about the Student, making all reasonable efforts to include the Complainant, representatives of the Student's current school, and the Student's XXXX, with the purpose of identifying whether the student would benefit from remedial services because of any educational deficits arising from the time period of XXXX to XXXX, when the student was not served under a Section 504 plan. The group will develop a plan to provide remedial services if deemed appropriate with a completion date not to extend beyond September 1, 2017. The District will provide the Student's XXXX 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 (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's XXXX, 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 XXXX 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.
- c. If remedial services are found to be appropriate, 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). The documentation will be provided on or before September 15, 2017.

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, 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 regulation implementing Section 504 and Title II at 34 C.F.R. Part 104, 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: \_\_05/30/2017\_\_\_\_\_  
Name and Title