

RESOLUTION AGREEMENT
Gaston County Schools
OCR Case No. 11-17-1216

Gaston County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1216. 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.

A. TRAINING AND PROFESSIONAL DEVELOPMENT

By September 30, 2017, the District will:

1. Provide training on Section 504 and the IDEA to all School staff who work directly with students with disabilities, specifically including the responsibilities of School staff to be familiar with their students' special education needs; to implement their students' IEPs and/or Section 504 plans, including during extra-curricular activities and field trips; to reconvene the IEP and/or Section 504 team before any significant change in placement; and to review IEPs and/or Section 504 plans as necessary to ensure that students receive a free appropriate public education.
2. Provide training on XXXX to all school-level staff who will work directly with the Student during the 2017-2018 school year.

Reporting Requirements:

- a. By August 31, 2017, the District will submit a draft plan for implementation of the training developed in accordance with Section A.1 and A.2 for OCR's review and approval, including the training date(s); the name and expertise of each presenter; and a copy of the training materials, such as a PowerPoint presentation or handout.
 - b. By October 31, 2017, the District will provide a detailed description of or documentation related to the trainings provided pursuant to Sections A.1 and A.2, including the date(s) of each training and the name, position, and school/work site of each employee who attended the training.
3. Distribute a memorandum to Student Assignment staff on the importance of addressing parental inquiries in a timely and effective manner.

Reporting Requirements:

- a. By August 31, 2017, the District will submit a draft memorandum developed in accordance with Section A.3 for OCR's review and approval.

- b. By October 31, 2017, the District will provide OCR with documentation that the memorandum described in Section A.3 was distributed to Student Assignment staff.

B. INDIVIDUAL MEASURES

1. By August 31, 2017, the District will provide the Complainant with written notice of the denial of her XXXX, request for the Student's XXXX.

Reporting Requirement:

- a. By September 15, 2017, the District will provide OCR with a copy of the written notice provided to the Complainant pursuant to Section B.1.
2. By the first day of the 2017-2018 school year, the District will ensure that all teachers and staff who work directly with the Student have received and reviewed all relevant provisions of the Student's IEP.

Reporting Requirement:

- a. By September 15, 2017, the District will provide OCR with documentation that the Student's IEP was distributed to and reviewed by appropriate District staff.
3. By September 30, 2017, after providing proper written notice to the Student's parent/guardian, the District will convene an Individual Education Program (IEP) team meeting, with the purpose of determining whether the Student failed to receive a free appropriate education during the XXXX school year, and, if so, 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 for the XXXX school year. The IEP team will develop a plan for providing any necessary compensatory and/or remedial services with a completion date not to extend beyond December 31, 2017. 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. Within one week of the meeting, 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 (if any) to the Student. The District will provide a copy of this written notice to OCR. If, after the provision of the notice to the Student's parent/guardian and as part of its review under Reporting Requirement 3.a., OCR determines that the notice provided under this reporting requirement did not meet the procedural and other requirements of the regulations implementing Section 504, the District will provide the Student's parent/guardian with an updated notice incorporating any changes required by OCR in order to bring it into compliance with Section 504.
- c. If the IEP team determines the compensatory and/or remedial services are necessary, by January 31, 2018, the District will provide documentation to OCR of the dates, times, and locations that the services were provided, a description of what was provided, and the name(s) of the service provider(s).

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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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: _____ 8/7/2017 _____
Superintendent Booker or Designee