

RESOLUTION AGREEMENT
Hertford County Public Schools
OCR Case No. 11-17-1469

Hertford County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1469. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. By August 28, 2017, after providing proper written notice to the Student's parent/guardian, District staff will convene a group of persons knowledgeable about the Student in accordance with 34 C.F.R. § 104.35, making all reasonable efforts to include the Complainant. The purpose of this meeting is twofold:
 - a. To complete a re-evaluation of the Student consistent with the requirements of Section 504 and Title II, e.g., it will: (1) draw upon a variety of sources in the re-evaluation process; (2) establish and/or follow procedures to ensure that information obtained from all sources is documented and carefully considered; (3) ensure that each decision is made by a group that includes persons knowledgeable about the Student (including the Complainant), the meaning of the evaluation data, and the placement options; and (4) notify the Complainant of her due process rights; and
 - b. To develop 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 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 June 8, 2018. 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.

The District may choose to convene two separate meetings to consider the items outlined in Provision 1a and paragraph 1b. The meeting outlined in Provision 1a will be convened no later than August 28, 2017. The meeting outlined in paragraph 1b will be convened no later than September 1, 2017. For all meetings convened pursuant to this Agreement, 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 1 week of the meeting(s) described in Provision 1 above, the District will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting(s) referenced above, including
 - i. the participants in the meeting,
 - ii. an explanation for decisions made and the information considered,
 - iii. a copy of the Student's Section 504 Plan,
 - iv. a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student, and
 - v. the notice of procedural safeguards, and the written invitation to the Student's parent/guardian.
 - b. OCR will review the documentation to ensure that the District met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
 - c. 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 and a description of and schedule for providing any compensatory and/or remedial services to the Student. The District will provide a copy of this written notice to OCR.
 - d. By July 1, 2018, the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, a description of what services were provided, and the name(s) of the service provider(s).
2. By August 28, 2017, the District will provide a copy of the Student's Section 504 Plan to the Student's teachers, guidance counselor, applicable administrators, and any other School staff that may need to implement the provisions of the Plan, with instructions to implement the Plan.

Reporting Requirement

- a. By September 1, 2017, the District will provide OCR with documentation, such as an email with an attachment, demonstrating that it implemented Provision 2 of this Agreement.
3. By December 31, 2017, the District will train all teaching staff, administrators, and guidance counselor at the School on the requirements of Section 504 and Title II. The training will include, but not be limited to:
- a. An explanation of the District's policy and procedure for identification, evaluation, and re-evaluation students under Section 504;
 - b. The role of the Section 504 Coordinator in the District;
 - c. The process at the School to be implemented when a student enrolls in the School with a Section 504 Plan from another school in the District, another school outside of the District, or enrolled after homeschooling; and

- d. The role of teachers in referring Students for evaluation under Section 504 and implementing existing Section 504 Plans.

Reporting Requirements

- a. By November 15, 2017, the District will provide for OCR's review and approval a copy of the training materials prepared for Provision 3, including the name(s), title(s), and qualifications of the trainer(s), and any handouts or presentations developed for this training.
- b. By January 31, 2018, the District will provide OCR with documentation confirming completion of the trainings, including: (a) the date of each training session(s); (b) a sign-in sheet including the list of names and titles of the District personnel who participated in each training session; and (c) a copy of any handouts or presentations used at the training.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Recipient Type 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, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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 Recipient Type written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: /s/ Date: 8/16/2017
William T. Wright, Jr., Ed.D, Superintendent