

RESOLUTION AGREEMENT
Gaston County Schools
OCR Complaint No. 11-18-1229

Gaston County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-1229. 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.

INDIVIDUAL REMEDY

1. By October 30, 2018, after providing proper written notice to the Student's parent/guardian, the District will convene a team of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, to consider the impact of not evaluating the Student by September 2017 and the impact of implementing the School Day Restrictions and Transitions Plan from January 29, 2018 to February 27, 2018 and, if necessary, the team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 15, 2019. The District will provide the Student's guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

Within two weeks of conducting 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, 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. The District will respond to OCR's concerns, if any, within 15 calendar days after receiving notice of OCR's concerns.

If the team determines that compensatory and/or remedial services are necessary, By June 1, 2019, 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).

TRAINING

2. By January 1, 2019, the District will provide administrators, teachers, guidance counselors, social workers, and any additional staff who is responsible for implementing Section 504 at XXXX School training on Section 504, retaliation and XXXX. First, the training will emphasize the District's obligations under Section 504 requirements concerning educating students with non-disabled peers that are relevant to decision to place students on a restrictions and transitions plan, the importance of conducting appropriate behavioral assessments and developing a behavior intervention plan to address behavior concerns, and the use to response-to-intervention and multi-tiered

systems of support in the context of the District’s child find requirements. Second, at a minimum, the training will also include: (i) guidance describing the basic principles of retaliation, including notice that the District may not retaliate against any individual asserting a right or privilege secured by the Federal civil rights laws or regulations enforced by OCR; (ii) guidance on who is protected, what constitutes a protected activity, and what constitutes a prohibited adverse action; (iii) contact information for individuals to file complaints with the District or OCR; and (iv) a discussion of the District’s retaliation policies and procedures. Finally, the training will provide information concerning post-traumatic stress disorder, anxiety as it relates to post-traumatic stress disorder, and trauma in students.

Reporting Requirements:

By November 1, 2018, the District will submit its training materials, the title and qualifications of the trainer, copies of the agenda, and any training materials for OCR’s review and approval.

By January 15, 2019, the District will provide OCR with documentation confirming completion of the required training, including: (a) the date of the training session; and (b) a sign-in sheet including a list of the names, signatures, and titles of the School personnel who participated in the training session.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, 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. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: _____
Name and Title