

RESOLUTION AGREEMENT
Johnston County Public Schools
OCR Complaint No. 11-19-1264

Johnston County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation(s) investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1264. This Agreement does not constitute a finding by OCR or 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 or an admission by the District of any specific fact related to issues raised in the Complaint. Nothing contained in this Resolution Agreement shall be considered, construed, or used as an admission of liability by the District.

1. By December 15, 2019, the District will hold an assembly at the School for students and staff on XXXXX, which will include XXXXX.

Reporting Requirements

Within two weeks of the assembly held as required by Provision 1, the District will provide OCR with documentation related to the assembly, including the date of the assembly, a description of the assembly content, and the name and qualifications/expertise of the individual(s) who presented at the assembly.

2. By February 29, 2020, the District will review and, if necessary, revise XXXXX, to ensure that the District has a policy and procedure that provides for XXXXX, as required by Section 504. The District should consider including the following:
 - a. Notice of the procedures to parents/guardians, students, and staff, including where to file complaints;
 - b. Designated and reasonably prompt timeframes for major stages of the complaint process;
 - c. An adequate, reliable, and impartial investigation, including the opportunity to present witnesses and other evidence;
 - d. Notice to both parties of the outcome of the complaint; and
 - e. An assurance that steps will be taken to prevent recurrence of any XXXXX and to remedy its discriminatory effects, as appropriate.

If the District decides it would like OCR's feedback in advance, it may provide OCR with a draft copy of the revised procedures.

By March 31, 2020, the District will provide all parents/guardians, students, and staff with written notice regarding the revised policies and procedures required by this provision, as well as

information about how to obtain a copy of the policies and procedures. The District, at a minimum, will make this notification available in a prominent location on the District's website.

Reporting Requirement

By April 30, 2020, the District will provide OCR with documentation that it implemented Provision 2 of this Agreement, including a copy of the final revised policy and procedure and a link to the website where the notice is posted.

3. By December 5, 2019, the District will provide training to all administrators and instructional staff at XXXXX School (the School) on the following:
 - a. a review of the District's responsibility to comply with Section 504 and Title II, including a statement that the District does not tolerate XXXXX;
 - b. an explanation of what constitutes XXXXX;
 - c. the District policies, procedures, and practices on how to respond to and report an allegation of XXXXX;
 - d. the District's investigation process when it receives a complaint of XXXXX;
 - e. the types of remedies implemented (both for the complaining student, XXXXX, and others) if there is a finding of XXXXX; and
 - f. the District's obligations under Section 504 to provide a free appropriate public education (FAPE) to students with disabilities, including the importance of reading through and fully implementing a student's Section 504 Plan or Individualized Education Plan (IEP), and conveying the information contained in that plan to any substitute teachers.

Reporting Requirement:

Within two weeks of the training required by Provision 3, the District will submit to OCR confirmation that the training was completed, including all training materials, the name of the individual(s) who conducted the training and their qualifications, an attendance sheet that includes the name, title, and signature of all individuals in attendance, and the date(s) of the training. If the District decides it would like OCR's feedback in advance, it may provide OCR with a draft copy of the training materials two weeks before the date of the training.

4. By December 5, 2019, the District will develop and provide training to all instructional staff and administrators at the School involved in developing Section 504 Plans and IEPs on the requirements of Section 504 and Title II. The training will emphasize the Division's obligations under Section 504 to provide a free appropriate public education (FAPE) to students with disabilities, the method by which a student should be (re)evaluated for a Section 504 Plan or an IEP, and examples of what constitutes a significant change in placement triggering a re-evaluation (e.g., XXXXX). The District may combine this training with the training outlined in Provision 3 if it so chooses.

Reporting Requirement:

Within two weeks of the training required by Provision 4, the District will submit to OCR confirmation that the training was completed, including all training materials, the name of the individual(s) who conducted the training and their qualifications. an attendance sheet that includes the name, title, and signature of all individuals in attendance, and the date(s) of the training. If the District decides it would like OCR's feedback in advance. it may provide OCR with a draft copy of the training materials two weeks before the date of the training.

5. By October 25, 2019, 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 and a representative from the School:
 - a. to discuss whether the Student requires compensatory and/or remedial services (examples to consider may include tutoring, access to counseling, or any other measures designed to eliminate the potential impact on the Student), assuming, for purposes of implementing this provision only and without waiving any defenses or arguments that the District may have regarding the admissibility of this Agreement in any future litigation, that the Student XXXXX from March 21, 2019 through the end of the 2018- 2019 school year. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 2020;
 - b. to discuss whether the Student requires compensatory and/or remedial services as a result of occasions between March 1, 2019 and the end of the 2018-2019 school year when substitute teachers did not allow the Student to XXXXX. If the group determines that the Student needs such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 2020; and
 - c. to reevaluate the Student to determine whether modifications to the Student's Section 504 Plan are appropriate in light of the XXXXX during the 2018-2019 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. By November 1, 2019, 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, written notice of the outcome of the meeting to the parent/guardian, 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. 104.35, 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 (if any) to the Student. The District will provide a copy of this written notice to OCR.
 - c. If appropriate, by July 10, 2020, 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 provider(s).

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 and obligations 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 proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By:

 Jan F. Cay, Superintendent

Date: 10/14/19