

RESOLUTION AGREEMENT
New Hanover County Schools
OCR Complaint No. 11-19-1508

New Hanover County 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. 11-19-1508. This Agreement does not constitute an admission by the District of a violation of Title II of the Americans with Disabilities Act of 1990 (Title II), Section 504 of the Rehabilitation Act of 1973 (Section 504), or any other law enforced by OCR.

1. By June 3, 2020, the District will revise the District’s “Use of Service Animals” policy and accompanying “Procedures and Guidelines for Use of Service Animals” to ensure they are consistent with the applicable provisions of Title II, its implementing regulation at 28 C.F.R. § 35.136, and the Department of Justice’s ADA service animal guidance, available at http://www.ada.gov/service_animals_2010.htm and https://www.ada.gov/regs2010/service_animal_qa.html.

Reporting Requirements:

- a. By June 3, 2020, the District will submit the revised “Use of Service Animals” policy and accompanying “Procedures and Guidelines for Use of Service Animals” to OCR.¹
 - b. By June 30, 2020, the District will provide OCR with documentation that it has published the revised “Use of Service Animals” policy and accompanying “Procedures and Guidelines for Use of Service Animals” on its website, and published or provided a link to the updated policy on the websites of each school that maintains an additional school website for the public.
 - c. By June 30, 2020, the District will provide OCR with documentation that demonstrates that it has disseminated the revised “Use of Service Animals” policy and accompanying “Procedures and Guidelines for Use of Service Animals” to all current District administrators and teachers.
2. By August 31, 2020, the District will provide training to all District principals and assistant principals on the applicable provisions of Title II, its implementing regulation at 28 C.F.R. § 35.136, and the Department of Justice’s ADA service animal guidance, available at http://www.ada.gov/service_animals_2010.htm and https://www.ada.gov/regs2010/service_animal_qa.html. The training will review the District’s revised “Use of Service Animal” policy and accompanying “Procedures and Guidelines for Use of Service Animals” and will also address, at a minimum, general obligations under Title II to grant access to individuals who use service animals; guidance and examples explaining the permissible bases for excluding a service animal; and the specific issues that the District clarified in the revised policy and procedures.

¹ If the District would like OCR’s feedback in advance of the District formally adopting the revised policy and procedures, it may provide OCR with a draft copy of the revised policy and procedures at least two weeks prior to the date of the Board meeting.

Reporting Requirements:

- a. By September 15, 2020, the District will provide OCR with documentation confirming completion of the required training, including: a) the date, time and location of the training; b) a copy of any materials² disseminated at the training; c) a sign-in sheet with the attendees' names, titles, and work locations; and (d) the name, title, and credentials of the individual who conducted the training.

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: _____ Date: 4/28/2020
Dr. Del Burns, Interim Superintendent

² If the District would like OCR's feedback in advance, it may provide OCR with a draft copy of the training materials at least two weeks before the date of the training.