

RESOLUTION AGREEMENT
McDowell County Schools
OCR Case No. 11-21-1132

McDowell County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegations investigated in Office for Civil Rights (OCR) Case No. 11-21-1132. 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.

The District will provide training to 504 Coordinators and classroom teachers regarding the implementation of accommodations as written on the Section 504 Plan and the importance of providing copies of procedural safeguards directly to parents/guardians. The training will cover:

- a. The District's obligations under Section 504 to provide a free appropriate public education (FAPE) to students with disabilities, specifically, by developing, implementing, and monitoring the provision of special education and/or related aids and services pursuant to students' Section 504 Plans.
- b. The District's obligations under the Section 504 regulation, at 34 C.F.R. § 104.36 to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing. This training should also include the School's responsibilities to provide the documentation to parents/guardians directly.

Reporting Requirements:

- A. By November 15, 2021, the District will submit to OCR, for OCR's review and approval, a copy of the proposed training materials and the name(s) and position title(s) of the individual(s) who will conduct the training.
- B. Within 90 days of receiving OCR's approval, the District shall conduct the training and provide verification to OCR, including: (a) the name of the individual(s) who conducted the training; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet or other documentation with the names, signatures, and position titles of the District personnel who participated in each 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 and obligations of this Agreement. Upon the District's satisfaction of the terms and obligations of 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 statutes and regulations.

Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____ Date: _____
Mark Garrett, Superintendent