



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

RESOLUTION AGREEMENT
Lenoir County Public Schools
OCR Case No. 11-22-1263

Lenoir County Public Schools (the District) agrees to fully implement this Resolution Agreement to resolve an allegation investigated in Office for Civil Rights (OCR) Case No. 11-22-1263. 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.

Action Item 1 – Compensatory Services

- a. By December 20, 2022, after providing written notice to the parent, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, to determine whether the Student is entitled to 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 during the second semester of the 2021-2022 school year to the date eligibility is determined. 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 August 15, 2023. The District will provide the Student's parent/guardian with written notice of the outcome of 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, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within one week of the team meeting to discuss the Student's eligibility for compensatory and/or remedial services, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for the decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and a list of meeting attendees. The District also will submit to OCR a copy of the written invitation to the Student's parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the Student's parent/guardian. 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.

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- b. By September 15, 2022, 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).

Action Item 2 - Training

By February 15, 2023, the District will provide training to School staff, including all teachers, administrators, school counselors, and other instructional and support staff who work with students, regarding the District's obligations under Section 504 and Title II. At a minimum, the training will cover the District's obligation to evaluate any student who needs or is believed to need special education or related services due to a disability; the definition of disability under Section 504 and Title II; and Section 504 procedural requirements pertaining to identification and evaluation.

Reporting Requirements:

- a. By December 15, 2022, the District will submit to OCR, for OCR's review and approval, a copy of the proposed training materials and the name(s), position title(s), and qualifications of the individual(s) who will conduct the training.
- b. Unless the District receives notification from OCR that the materials are inappropriate, the District shall conduct the training by the date above 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 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 and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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 60 calendar days to cure the alleged breach.

By: Assistant Superintendent

Date: 11-18-22