

## **RESOLUTION AGREEMENT**

### **Hoke County Schools OCR Case No. 11-22-1461**

Hoke County Schools (the District) agrees to fully implement this Resolution Agreement to resolve the allegations investigated in Office for Civil Rights (OCR) Case No. 11-22-1461. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

#### **Action Item 1 – Compensatory Services**

For each of the students, including the Student, identified as requiring push-in/inclusive special education services during the XXXXX school year in the XXXXX section of the XXXXX class, after providing proper written notice to the students' parents/guardians, the District will convene a group of persons knowledgeable about each student, making all reasonable efforts to include the parents/guardians, to assess whether the student was denied a free and appropriate public education and, as appropriate, discuss the provision of compensatory and/or remedial services to each student for the time period that student did not receive appropriate regular and/or special education or related services, during the XXXXX school year. If the group determines that a 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 30, 2023. The District will provide each 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. By January 31, 2023, the District will provide OCR with a list of the students identified as part of Action Item 1 and copies of the written notices sent to the students' parents/guardians requesting a meeting to discuss compensatory services.
- b. Within one week of each 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, 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 will also submit to OCR 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.
- c. By August 30, 2023, 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**

The District will provide training to all administrators and teachers at XXXXX, including but not limited to all special education teachers required to provide push-in support and all staff members involved in a manifestation determination review (MDR), regarding the District's obligation under Section 504 to provide students with a free and appropriate public education (FAPE) to students with disabilities. The training will include a discussion about the importance of ensuring that all provisions of a students' Section 504 Plan or Individualized Education Program are being fully implemented. The training will also include information about the requirement to conduct an MDR for a student with a disability before any expulsion, long-term suspension, or other disciplinary exclusion of more than 10 school days to determine whether the student's conduct is a manifestation of the student's disability. This includes the requirement that if a district finds that the student's disability caused the misconduct, the district may not exclude the student for more than 10 school days.

#### **Reporting Requirements:**

- a. By February 15, 2023, 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. Within 30 days of receiving OCR's approval, the District will 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 with the names, signatures, and position titles of the District personnel who participated in each training session.

### **Action Item 3 – Student's Disciplinary Record**

The District will ensure that any suspensions or other exclusionary discipline that the Student served during the XXXXX school year are removed from the Student's discipline record(s) where a group of knowledgeable people during an MDR found that the behaviors subject to the discipline were manifestations of the Student's disability.

#### **Reporting Requirements:**

- a. Within 30 calendar days after the date the Agreement is signed, the District will submit to OCR the proposed records for removal and a narrative explanation regarding the actions proposed for OCR's review and approval.
- b. Within 15 calendar days after OCR's approval of the above, the District will submit to OCR the Student's updated discipline record demonstrating that the records have been removed and that the updated records have likewise been provided to the Complainant.

By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and with Section 504 and its implementing regulation at 34 C.F.R. Part 104, Title II and its implementing regulation at 28 C.F.R. Part 35.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and 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: \_\_\_\_\_ Date: \_\_\_\_\_  
Name and Title  
Recipient Name