

**Resolution Agreement
Durham Public Schools
OCR Complaint No. 11-13-1181**

The Durham Public Schools (the District) voluntarily agrees to enter this resolution agreement with the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving OCR Complaint No. 11-13-1181. Agreeing to enter a resolution agreement is not an admission that the District has violated the law.

TRAINING

1. By December 15, 2013, the District will provide training to relevant XXXX (School) personnel responsible for developing and/or implementing students' Section 504 plans. At a minimum, the training will instruct personnel that the School has an obligation to implement students' Section 504 plans as written, and that any revisions to a student's Section 504 plan shall be made in accordance with the procedures in 34 C.F.R. § 104.35(c), which include input from a group of persons, including persons knowledgeable about the student and the placement options. The training will further instruct that if a teacher or other staff member has a concern about whether a provision is appropriate, he or she should immediately notify the School's Section 504 coordinator; however, the teacher or other staff member shall continue to implement the student's plan pending any revision of the plan. The training will also address the obligation under Section 504 and Title II to promptly conduct a reevaluation of a student with a disability when confronted with evidence (such as poor academic performance) indicating that the student may need a change in special education or related aids and services.

Reporting Requirement: By December 15, 2013, the District will provide for OCR's review and approval a copy of the training materials used, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed for this training; the date of the training(s), and a list by name and title of all staff members who received the training.

STUDENT-SPECIFIC PROVISIONS

1. By October 31, 2013, the District will contact the Complainant, in writing, and state that (a) the School has strengthened its procedures to ensure the implementation of students' Section 504 plans and is willing and able to provide appropriate services for the Student, should she wish to re-enroll him in a District school; and (b) regardless of whether the Complainant chooses to re-enroll the Student, the District offers to convene a meeting in accordance with 34 C.F.R. § 104.35(c) during which the Section 504 team will determine whether the Student is eligible to receive compensatory educational services. If the Complainant accepts this offer, in making the determination of whether compensatory services are owed the 504 team would first establish the student's present levels. <XXXX Sentence Redacted XXXX>. The team would then compare his present levels to the levels the team believes he would have achieved had his 504 plan been fully implemented by DSA during the 2012-2013 school year. If the team believes his levels would have been higher had his plan been fully implemented, then the team shall determine the amount of compensatory services needed to bring his present levels up to whether they would have been had his plan been fully implemented.

Reporting Requirement: By October 31, 2013, the District will submit for OCR's review and approval a copy of the letter send to the Complainant.

Reporting Requirement: By December 15, 2013, the District will notify OCR of the Complainant's response to the District's offer to convene a meeting to determine whether the student is eligible to receive compensatory educational services. . If the Complainant accepted the offer, the District also will provide an explanation of its determination of whether the Student is eligible to receive compensatory educational services. This explanation shall include copies of all notes of meetings at which these issues were addressed; the names and titles of all meeting participants; the information that the District considered in making this determination; the rationale for the determination; and, if

applicable, any proposed compensatory educational services designed to address any educational deficiencies (including a proposed timetable for delivery of those services).

Reporting Requirement: If applicable, 15 days after OCR's review and approval of this information, the District will offer a plan to provide approved compensatory educational services to the Complainant. Within 15 days of offering the plan to the Complainant, the District will submit to OCR a copy of its offer to the Complainant, and any response from the Complainant to the offer. If the Complainant accepts any offer for compensatory educational services, by May 1, 2014, the District will provide OCR with documentation of its provision of services to the Student or any attempts made to deliver such services.

2. The District will reimburse the Complainant for the Student's tuition costs for XXXX.

Reporting Requirement: By October 31, 2013, the District will provide OCR documentation demonstrating that it has reimbursed the Complainant.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms 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. 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 this 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 of this Agreement and is in compliance with the regulations cited above.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Although OCR has identified the compliance concerns cited above, this Agreement does not constitute an admission by the District of any violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, or Title II of the Americans with Disabilities Act (Title II), 42 U.S.C. § 12131 *et seq.* or the implementing regulations of these statutes.

Full implementation of this Agreement by the District resolves this case.

/s/

Superintendent
Durham Public Schools

October 25, 2013
Date