

Resolution Agreement
Halifax County Public Schools
OCR Complaint No. 11-14-1313

Halifax County Public Schools (the District) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1313. 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.

TRAINING

1. By **June 15, 2015**, the District will provide training to XXXX School (the School) personnel responsible for developing and/or implementing students' Section 504 plans and/or individualized education programs (IEPs). The training will address the Section 504 requirements for evaluating students, including the need to ensure that placement decisions are made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

Reporting Requirement: By **May 10, 2015**, the District will provide for OCR's review and approval a copy of the proposed training materials, including the name(s) and title(s) of the trainer(s) and any handouts or presentations developed for this training, and the date of the training(s). The District will make the training mandatory for all personnel at the School who participate in any capacity in the Section 504 process.

Reporting Requirement: By **June 30, 2015**, the District will provide OCR copies of the sign-in sheets that include the names and titles of the participants for the training that was held.

STUDENT-SPECIFIC PROVISIONS

2. By **March 10, 2015**, the District will offer to evaluate the Student, at no cost to him and with his consent, to determine whether the Student is substantially limited in one or more major life activities and needs special education and/or related aids and services in accordance with the requirements of Section 504.

Reporting Requirement: Within ten (10) days of the District's offer to the Student, the District will provide OCR with documentation confirming that the offer was made and the Student's response, if any.

3. If the Student accepts the offer, within ten (10) days of the Student's acceptance of the District's offer, the District will evaluate the Student to determine whether he has a disability and, if so, whether he is eligible for any special education and/or related services. In making this determination, the District will provide the Student with proper written notice and convene a group of persons who have specific knowledge as to the student, the meaning of the evaluation data, and the placement options, to determine the

Student's eligibility. The Student will be given the option of having his parent(s) present at the meeting.

Reporting Requirement: If the Student accepts the offer, within 20 days of the Student's acceptance of the District's offer, the District will provide OCR with documentation confirming the completion of item 3, above. The documentation submitted shall show the participants in the meeting, an explanation for decisions made, and the information considered. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504 in making these eligibility determinations.

4. Within fifteen (15) days of the completion of item 3, above, and only if the Student is found to have a disability and is eligible for special education and/or related services, the District will provide the Student with proper written notice and convene a group of persons who have specific knowledge as to the Student, the meaning of the evaluation data, and the placement options, to determine whether the Student suffered any academic deficiencies as a result of the District's failure to properly evaluate him during the fall semester of 2013, and if so, whether the Student needs compensatory and/or remedial services as a result. Compensatory and/or remedial services may include the District's providing a tutor for the Student or paying for tutoring services at the Student's community college. The Student will be given the option of having his parent(s) present at the meeting. If it is determined that the Student needs compensatory and/or remedial services, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond August 2015. The District will provide the Student notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement: Within two weeks after the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall show the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504 in making these determinations.

Reporting Requirement: By September 1, 2015, 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).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms 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. The District

also 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 implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35.

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.

_____/S/_____
Superintendent or Designee
Halifax County Public Schools

____3/2/15_____
Date