

Resolution Agreement  
Winston-Salem/Forsyth County Schools  
OCR Case No. 11-15- 1036

1. Prior to December 31, 2016 a team of District staff members will audit the Individualized Education Programs (IEPs) for all Cash Elementary School (School) students assigned to the School's Exceptional Children's Multiple Abilities Program (EC MAP) during the 2013-2014 and 2014-2015 school years. During the audit, the team will determine whether each student participated in nonacademic and extracurricular services and activities with their non-disabled peers throughout each school year, pursuant to their IEPs.
2. With regard to the audit described in paragraph 1, if the team determines that any students did not participate in such services and activities pursuant to their IEPs, the team will:
  - a. Develop a plan to ensure that the students are continuously provided with such services and activities, pursuant to their IEPs.
  - b. Provide each student's parents with written notice of the outcome of the meeting and the plan development for the student. The notice will identify the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36.

**Reporting Requirement**

Within 1 week of the completion of the audit required by item 1, the District will submit to OCR for review and approval a copy of documentation detailing the outcome of the audit reference in paragraph 1 above; including the participants in the audit, an explanation for decision made, the information considered, and the plan developed for each student, if necessary as described in paragraph 2. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

3. For each student who was found not have participated in nonacademic and extracurricular services and activities with their non-disabled peers throughout each school year pursuant to their IEPs, prior to March 31, 2017, after providing proper written notice to the student's parent/guardian, the District will convene a group of persons knowledgeable about the students, making all reasonable efforts to include the parent/guardian, with the purpose of developing a plan for providing compensatory and/or remedial services to the student, if deemed necessary, for the time period the student did not receive appropriate regular and/or special education or related services. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 2017. The

District will provide the student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

### Reporting Requirements

- a. With regard to the meeting(s) described in paragraph 3 above within one week of the 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 student, the notice of procedural safeguards, the written invitation to the student's parent/guardian, and a list of meeting attendees. 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.
  - b. By June 30, 2017, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, if any, a description of what was provided, and the names(s) of the service provider(s).
4. By October 31, 2016, training will be provided to all School administrators and EC Case Managers associated with Cash Elementary School on the District's policies and procedures concerning compliance with individualized education plans for students with disabilities. The training will include procedures for disseminating individualized education plans for students with disabilities to teachers and other relevant staff at the beginning of each semester and ensuring that teachers are prepared to implement their students' individualized education plans. The training will also include procures for informing teachers and other relevant staff of any revisions to students' individualized education plans and disseminating copies of revised plans.

### Reporting Requirements

- a. The District will provide for OCR's review and approval a draft of the training materials, including handouts, in advance of the training.
- b. By November 30, 2016 the District will provide a list of the dates and times of each completed training session

The District understands that OCR will not close 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 of the Rehabilitation Act at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which were at issue in this case. 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.

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\_\_\_\_\_/S/\_\_\_\_\_  
Superintendent (or designee)  
Winston-Salem/Forsyth County  
Schools

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8/9/2016\_\_\_\_\_  
Date  
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