

**RESOLUTION AGREEMENT**  
**Robeson County School District**  
**OCR Case No. 11-15-1135**

Robeson County School District (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-15-1135. 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.

**Section 504 Procedures**

1. The District will develop procedures for ensuring the evaluation of students under Section 504 in situations when a parent/guardian requests homebound instruction and the District has sufficient information that a student may need special education or related aids and services because of a disability. The District also will develop procedures to ensure that students with disabilities under Section 504 are reevaluated prior to a significant change in placement to homebound instruction. The District also will develop procedures to ensure that the academic progress of students with disabilities who are receiving homebound instruction is monitored and that those students are reevaluated if the District has reason to believe that the services being provided are not meeting a student's individual needs.

**Reporting Requirements:**

- a. The District will submit draft procedures to OCR by **August 23, 2015** for OCR's review and approval.
- b. Within 15 school days after OCR approves the procedures, the District will disseminate the procedures to all administrators and instructional staff. The District will provide documentation of the completion of this provision to OCR.

**Training**

2. By **September 10, 2015**, the District will provide administrators and instructional staff involved in homebound instruction, including the Director for Exceptional Children/504 Coordinator, the Director of Student Services, and Homebound Instructors, training on the free appropriate public education (FAPE) requirements of Section 504 by an independent trainer with expertise in Section 504's FAPE requirements. The training will also be provided to administrators and instructional staff at XXXX School. The training will emphasize the District's obligations under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids and services and to conduct reevaluations prior to significant changes in placement. As part of this training, the District will also provide information on the procedures developed under Section 1 above.

Reporting Requirements:

- a. At least 30 days prior to the training, the District will provide OCR with the title and qualifications of the trainer, copies of the agenda, and copies of any training materials, for OCR's review and approval.
- b. Within 20 days after the training, the Division will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and, (b) copies of sign-in sheets listing the District and/or School personnel who participated in each training session, including names and titles.

**Student-Specific Remedies**

3. By **September 10, 2015**, the District will evaluate the Student, in compliance with the evaluation procedures required by 34 C.F.R. 104.35, to determine whether the Student is eligible for special education and/or additional related aids and services and, if so, to determine the appropriate placement for the Student.

Reporting Requirements:

Within 10 days of completion of the evaluation, the District shall submit to OCR records of all information it considered in the evaluation, meeting notes from any eligibility meetings, and any Section 504 Plan or Individualized Education Program it developed or revised. OCR will notify the District of any compliance concerns regarding the evaluation and any steps necessary to remedy such compliance concerns.

4. Within 10 days of completion of the evaluation, and after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, 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 for the time period the District failed to properly reevaluate the Student, from November 10, 2014 to June 10, 2015. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **January 15, 2016**. 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. 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 the 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 **February 5, 2016**, 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).

### **Review of Homebound Requests**

5. By **September 30, 2015**, the District will review all students who received homebound services during the 2014-2015 school year to determine whether any students not previously identified as students with disabilities should have been evaluated to determine their eligibility for special education or related aids and services. For students previously identified as students with disabilities, the District will determine if the student should have been reevaluated. To the extent that an evaluation or reevaluation of a student is warranted, it will be conducted consistent with the evaluation, placement and procedural safeguard requirements of 34 C.F.R. §§ 104.35 and 104.36. To the extent that an evaluation results in a determination that a student is a qualified individual with a disability and is entitled to special education or related services for that disability, the District will develop an individualized plan to provide each such student with special education or related services. For each student who is determined to be a qualified individual with a disability or for whom a reevaluation was deemed warranted, the team will review the student's individual circumstances to determine whether the provision of compensatory educational services or other appropriate relief is warranted and offer and provide compensatory educational services to affected students, as discussed above, along with a timetable for delivery of those services.

### **Reporting Requirements**

- a. By **October 2, 2015**, the District will provide OCR with a report confirming the completion of the required review. In the report, the District will provide: the name (or unique identifier) of each student who was provided homebound services for the 2014-2015 school year; the nature of the student's disability at the time of the request, if applicable; the basis for the homebound request; whether the student is enrolled in the District for the 2015-2016 school year; whether the District conducted an evaluation or re-evaluation of the student after receiving the request and the outcome of that evaluation – and, if no evaluation occurred, whether the District should have evaluated the student for special education or related aids and services (including the reason for that decision); the number of homebound hours per week provided to the student during the 2014-2015 school year; the length of time the student was on homebound; a determination whether the student's individual needs should have resulted in additional hours of homebound services or additional related aids and services; if applicable, an indication of whether the student's parent(s) participated in any evaluation or placement meetings that were held; and a copy of all documentation from all 504 review meetings that were held.

- b. By **January 9, 2016**, for those students that the team determined should have received additional hours of homebound services or additional related aids and services, the District will provide documentation that compensatory educational services were offered and/or provided to the students.
- c. By **January 9, 2016**, for those students that the team determined were not entitled to additional hours of homebound services or additional related aids and services, the District will provide documentation supporting that determination.

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 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 and Title II, at 34 C.F.R. Part 104 and 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.

By: \_\_\_\_\_/S/\_\_\_\_\_ Date: \_\_\_9/1/15\_\_\_\_\_

Tommy Lowry, Interim Superintendent