

**RESOLUTION AGREEMENT**  
**Stokes County Public Schools**  
*OCR Case No. 11-16-1333*

Stokes County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1333. 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.

1. Within 30 days of the date of this Agreement, District staff will convene a meeting in accordance with 34 C.F.R. § 104.35 to determine whether the Student is entitled to receive compensatory educational services as a result of the District's failure to evaluate the Student between October 28, 2015 and March 17, 2016, when the special education process was commenced. If the team determines that the Student is entitled to compensatory educational services, the team will:
  - a. Determine what compensatory education or services may be needed and the appropriate beginning and ending dates that these services will be provided to the Student;
  - b. Provide the Complainant with written notice of the outcome of the meeting, including a description of any services to be provided, the subject areas covered, the amount of services, where and when the services will be provided, including the appropriate beginning and ending dates for the services, and any transportation to be provided to the Student in conjunction with these services. If the team determines that the Student is not entitled to compensatory services, the District will provide a written explanation of its decision, including the basis for its decision. The notice will identify the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36.

**Reporting Requirements**

- a. Within 1 week of the completion of the meeting required by Item 1, the District will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting referenced above, including 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 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.
- b. By January 31, 2017, 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).

2. By December 15, 2016 the District will draft policies and procedures under Section 504 that ensure that schools, including the School, conduct timely referrals and evaluations of students who, because of a disability, need or are believed to need special education or related aids and services, such as services, modifications, and/or accommodations, in order to enjoy equal access to the District's programs and services and receive a free appropriate public education. Specifically, the District will either: a) ensure that the policies it implements under the IDEA comply with the Section 504 regulations at 34 CFR 104.33 through 104.36; or b) draft policies and procedures specific to the Section 504 regulations at 34 CFR 104.33 through 104.36. The revised or newly drafted policies and procedures will ensure that:
  - a. the District will conduct Section 504 evaluations for all students suspected of needing related aids and services, modifications, or accommodations because of a disability, including those students referred by school counselors, teachers, and/or parents;
  - b. the District will not require parents/guardians to provide a diagnosis from a medical professional before referring a student for evaluation under Section 504;
  - c. the District has established timeframes for completing 504 referral decisions and Section 504 evaluations in a timely manner;
  - d. the District has in place a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure; and
  - e. the District documents in student records all information obtained during the referral process, including the initial referral request, the referral decision, and the information considered in making the referral decision.

### **Reporting Requirements**

- a. By December 20, 2016, the District will provide OCR with a copy of its proposed Section 504 policies and procedures for review and approval.
- b. Within 60 days of receiving OCR's approval, the District will:
  - i. adopt and implement the Section 504 policies and procedures;
  - ii. post copies of the final policies and procedures in a prominent place on the District's web site and in other publications, such as the student handbook (the District may include a temporary insert until the next publication of the handbook is complete); and
  - iii. provide OCR with a copy of the written notification.

3. By August 31, 2017, the District will train all instructional staff and administrators at XXXX, the District's Section 504 Coordinator, and all staff on the District level that may provide guidance to schools about Section 504, on the newly adopted Section 504 policy and procedures and the requirements of Section 504 and Title II. The training will emphasize the District's obligations under Section 504 to identify and refer for evaluation all students who need or are believed to need special education or related aids and services and that students who are evaluated and found ineligible for services under the IDEA should then automatically be evaluated for eligibility under Section 504.

Also, within 30 days of final approval of the policies/regulations by the Board of Education, the District will develop and disseminate a memorandum to all instructional staff and administrators in the District notifying them of the adoption and implementation of Section 504 policy and procedures and reminding them of their obligation under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids or services, including all students who are found ineligible under the IDEA. This memorandum will also include the contact information (including name, title, address, telephone number, and e-mail address) for the District's Section 504 Coordinator, and will explain who in the District individual school instructional staff or administrators should contact if they suspect that a student needs special education and/or related aids or services.

### **Reporting Requirements**

- a. At least 60 days before the date on which the training is scheduled to be provided, the District will provide for OCR's review and approval a copy of the training materials prepared for this provision, including the name(s), title(s), and qualifications of the trainer(s), and any handouts or presentations developed for this training; and a copy of the memorandum. Within 30 days of OCR's approval of the training materials or by August 31, 2017, whichever is later, the District will complete the training and issue the memorandum.
  - b. Within 10 days of the completion of the approved trainings, the District will provide OCR with documentation confirming completion of the training, including: (a) the date of each training session(s); (b) a sign-in sheet including the list of names and titles of the District personnel who participated in each training session; and (c) confirmation that the approved memorandum was issued to all District staff identified above.
4. Within 30 days of the Board of Education's adoption of the new 504 policy and procedures, the District will develop and post in a prominent location on its website for at least 180 days, a memorandum for all parents/guardians notifying them of:
    - a. the adoption and implementation of Section 504 policy and procedures outlined in Item 2 above, including a link to this policy and procedure;

- b. the District’s obligation under Section 504 to identify and evaluate students who need or are believed to need special education and/or related aids or services, including all students who are found ineligible under the IDEA; and
- c. the contact information (including name, title, address, telephone number, and e-mail address) for the District’s Section 504 Coordinator and, if different, the individual(s) who District parents should contact if they suspect that a student needs special education and/or related aids or services.

**Reporting Requirements**

The District will provide for OCR’s review and approval a draft of the memorandum outlined in Item 4 above within 10 days of adopting the 504 policy and procedure. Within 20 days of OCR’s approval, the District will issue the memorandum.

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 regulation 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 regulation implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was 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: 9/22/2016\_\_\_\_\_  
Superintendent or designee