

RESOLUTION AGREEMENT
Nash-Rocky Mount Public Schools
OCR Complaint No.11-16-1370

Nash Rocky Mount Public Schools (the District) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1370. Full implementation of this Agreement by the District resolves the allegations in OCR Case No. 11-16-1370.

STUDENT SPECIFIC REMEDIES

1. The District reported to OCR that after providing proper written notice to the Student's parents/guardians it conducted a meeting to evaluate and determine if the Student needs special education or related aids and services under Section 504 and the IDEA on August 17, 2016. The District provided documentation to OCR. OCR will review the documentation to ensure that the District documented and carefully considered information from a variety of sources, its process and determination regarding if the Student needs special education or related aids and services consistent with Section 504, at 34 C.F.R. § 104.35. OCR will also review whether the District provided 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 Requirement:

- a. 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. §§ 104.35 and 104.36, in making these determinations. The District will respond to OCR's concerns, if any, within 10 calendar days after receiving notice of OCR's concerns. The District will provide the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, the notice of procedural safeguards, to ensure compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.35 and 104.36.
2. By December 15, 2016, after providing proper written notice to the Student's parent/guardian, the District will convene a team 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 evaluate the Student, from Fall 2015 until the date of the evaluation. The team will consider the impact of not evaluating the student, to include in school suspension, out of school suspension and other disciplinary sanctions. The team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond February 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. 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, 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. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
 - c. By February 15, 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).
3. By December 1, 2016, the District will review the Student's disciplinary records and remove the records of disciplinary sanctions that were imposed without a required manifestation determination review during the 2015-2016 school year to include the May 2016 out-of-school suspension.

Reporting Requirement:

- a. By December 15, 2016, the District will submit to OCR a copy of the Student's revised discipline record for review.

SECTION 504 PROCEDURES

4. The District will review and revise its procedures to ensure the prompt evaluation of students under Section 504 in situations when a parent/guardian requests an evaluation or 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 revise its procedures to ensure that students with disabilities under Section 504 are reevaluated prior to a significant change in placement to determine whether the student's disability caused the misconduct. The District will also revise its procedures to ensure compliance with Section 504 as follows: the criteria and standards that a District considers in order to evaluate students for eligibility under Section 504; and, the availability of Section 504 accommodations in addition to special education. The District will also revise its procedures to adequately provide for an investigation of grievances in a prompt and equitable manner.

Reporting Requirement:

- a. The District will submit revised draft Section 504 and grievance procedures to OCR by December 15, 2016 for OCR’s review, comment and approval.
5. Within 15 school days after OCR approves the procedures, the District will disseminate the revised procedures to all administrators, and instructional staff. Within 30 days of OCR’s approval of the revised procedures the District will widely publicize the procedures by sending written notification to students, parents, and employees through normal communication channels and posting a link to the policies and procedures in an easily accessible location on the Division’s web site.

Reporting Requirements:

- a. By December 15, 2016, the District will submit its draft notification for OCR’s review, comment, and approval. Within the time periods specified above, the District will disseminate the notice as described above and provide verification to OCR. The District will provide to OCR documentation of the dissemination of the notification.
- b. Within 15 school days of publicizing the procedures pursuant to the preceding paragraph, the District will submit to OCR documentation that it has publicized these policies and procedures, including an email link to its website evidencing publication of the procedures and a copy of the written notice to students, parents and employees.

TRAINING

6. By March 15, 2017, the District will provide to all administrators, including principals and assistant principals, and certain instruction staff, to include all Behavioral Academic Support Team Coordinators, school psychologists, counselors, Section 504 Coordinators, and special education administrators and program specialists, training on the eligibility, evaluation and free appropriate public education (FAPE) requirements of Section 504. The training will be conducted by an independent trainer with expertise in Section 504’s FAPE requirements or OCR staff. The training will also be provided to administrators and teachers at Englewood Elementary School. The training will emphasize the District’s obligations under Section 504 to timely identify and evaluate students who need or are believed to need special education and/or related aids and services and the requirement to re-evaluate students after there has been a significant change in placement (e.g., ten or more days of out of school suspension). As part of this training, the District will also provide information on the policies and procedures under Section 4 above.

Reporting Requirements:

- a. By February 1, 2017, the District will provide for OCR’s review and approval the training schedule, training materials, and the credential(s) of the trainer(s).
- b. Within 10 calendar days of the completion of the training, the District will submit to OCR the name(s) and title(s) of the trainer, the date of the training(s), the materials used, and the sign-in sheet indicating the names and titles of the participants.

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, 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 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 School, interview staff and groups of students, and request such additional reports or data as are necessary for OCR to determine that the School has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, Title II and Title IX, which were at issue in the complaints.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (24 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this agreement, OCR shall give the School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: _____11/16/16_____

Superintendent,
Nash-Rocky Mount Public Schools