

**RESOLUTION AGREEMENT
Charlotte-Mecklenburg Schools
OCR Complaint No. 11-14-1348**

Charlotte-Mecklenburg Schools (the District) agrees to fully implement this Resolution Agreement (the Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1348.

Action Items:

1. Prior to September 30, 2015, the District will provide training to the Section 504 liaison for the School, as well as other School staff involved in the evaluation of students to determine eligibility under Section 504. The training will cover, at a minimum, the procedural requirements of Section 504 in identification, evaluation, and placement; the District's responsibility to and its process for identifying and evaluating students believed to need special education services; and the changes to legal standards made by the ADA Amendments Act of 2008 and the corresponding changes to Section 504.
2. Within 180 days of the date this Agreement is signed, District will provide training to District staff who work directly with students, and to the District/school administrators (including the Section 504 Coordinator) who are responsible for identifying, evaluating, and serving students with disabilities, on the District's obligation under Section 504 to identify and evaluate all students who need or are believed to need special education and related aids and services, including students with health impairments, such as food allergies. The training will also address the changes to legal standards made by the ADA Amendments Act of 2008 and the corresponding changes to Section 504.

Reporting Requirements

- a. By September 30, 2015, the District will provide OCR documentation confirming that the training required by provision 1 above occurred, including the training agenda, the date the training was held, and a list of individuals at the School by title who received the training.
- b. At least 10 business days prior to the date of the proposed training, the District will provide to OCR an outline of the content of the training, including a copy of training materials, and the titles of the individual(s) who will provide the Section 504 training for OCR's review. The District will not implement the training prior to OCR's review.
- c. Within one week after the date of the training, the District will provide to OCR documentation confirming that the training occurred, including the

training agenda, the date on which the training was held, and a list of the individuals (by title and school location) present at the training.

3. By September 30, 2015, the District will review the circumstances, including all health and medical records, of all currently enrolled students at the School with a health plan or medical authorization form to determine whether each student's medical condition provides reason to believe the student might be eligible under Section 504 for special education or related aids and services, consistent with the changes to legal standards made by the ADA Amendments Act of 2008 and the corresponding changes to Section 504. For each instance where there is reason to believe the student may qualify as a person with a disability under Section 504, the District shall send the parent(s) or legal guardian(s) a request for consent to evaluate the student in accordance with 34 C.F.R. § 104.35(c). The District also will consider compensatory services for each student it determines eligible under Section 504 (eligible students) with the purpose of developing a plan for providing compensatory and/or remedial services to the student(s) for the time period the eligible student(s) did not receive appropriate regular and/or special education or related services from the date the District received notification of the student's medical condition to the date of the eligibility determination. The District will provide the eligible students' parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

By December 31, 2015, the District will provide written verification of all of the following information to OCR in Excel format (except where additional documentation is required below):

- Student identifier
- Whether the District sent the student's parent(s)/legal guardian(s) a request for consent to evaluate the student to determine Section 504 eligibility; in each instance that the District determines a 504 eligibility meeting is not warranted, the District will provide information explaining and supporting its decision.
- Whether the parent(s)/legal guardian(s) provided the District consent to evaluate the student.
- If consent was provided, whether the 504 eligibility meeting was conducted
- The 504 team's eligibility determination for the student.

- Whether compensatory services were discussed at the meeting
- Whether the 504 team offered compensatory services to the student through the student’s parent(s)/legal guardian(s), and if so, a plan for providing timely compensatory and/or remedial services to the student with a completion date not to extend beyond June 2016. A summary of the reason for which compensatory services were or were not offered to the student

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 and Title II, which were at issue in the complaint.

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 District, 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 and Title II, which were at issue in the complaint.

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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/S/_____
 Superintendent or designee
 Charlotte-Mecklenburg Schools

_____/5/12/15_____
 Date