

**RESOLUTION AGREEMENT**  
**Charlotte-Mecklenburg Schools**  
*OCR Case No. 11-16-1135*

Charlotte-Mecklenburg Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1135. 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.

1. If the Student chooses to re-enroll in the District, within 15 days of receiving notice of intent to re-enroll 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 Student did not receive appropriate regular and/or special education or related services, from August 2015 to April 2016. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend six months beyond the date of re-enrollment. 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. 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. Within 15 days of the completion of the compensatory and/or remedial services, 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 31, 2016, the District will provide training to all staff at the School responsible for identifying students who may be in need of special education or related services, including but not limited to Section 504 staff and all general education teachers, on how to appropriately identify and refer students who may be in need of special education or related services under Section 504.

Reporting Requirements:

- a. By November 15, 2016, the District will submit a draft plan for implementation of the training for OCR’s review and approval, including the training date(s), the name and expertise of each presenter and a description of the training content.
- b. By January 30, 2017, the District will provide a detailed description of or documentation related to the training provided to School employees pursuant to this Agreement, including the date of the training; and the name and position of each employee who attended the training.

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 & Title II, at 34 C.F.R. Part 104 & 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 & Title II, at 34 C.F.R. Part 104 & 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: \_\_\_\_\_10/14/16\_\_\_\_\_

Superintendent Clark or Designee