

RESOLUTION AGREEMENT
Charlotte-Mecklenburg Schools
OCR Case No. 11-16-1145

Charlotte-Mecklenburg School (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1145. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. By January, 31, 2017, the District will conduct training for all ~~East Mecklenburg HighXXXX~~ School teachers, administrators, and Section 504 Coordinators, on the District responsibility under Section 504 to evaluate students in the District who need or are believed to need special education or related aids and services and to address disability-based bullying or harassment. The training will cover the following:
 - a. The District's obligation under Section 504 to evaluate any student who needs or is believed to need special education or related services due to a disability. The District must conduct an evaluation before initially placing the student in regular or special education and any subsequent significant change in placement.
 - b. The District's obligation under Section 504 to seek written consent of parents or guardians who request special education services or related services due to a disability, or if a student needs or is believed to need special education or related services due to a disability.
 - c. The District's obligation under Section 504 to implement Section 504 plans, including students who have transferred from other schools.
 - d. The District's obligation under Section 504 to conduct a manifestation determination review for a student with a disability before any significant change in placement for disciplinary reasons and to determine whether the misconduct is a manifestation of the student's disability. The training will include that in the event that the school district believes that a student may be eligible under Section 504, an eligibility determination should be made prior to disciplinary action that will result in a change in placement.
 - e. The District's obligation under Section 504 to respond promptly and effectively to disability-based harassment that it knows or reasonably should know about. In the event that an investigation reveals that discriminatory harassment has occurred, to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Reporting Requirement:

By December 30, 2016, the District will provide OCR with a copy of the training materials and the name, title, and credentials of the person who will conduct the training(s) for review and approval. The District will also provide a copy of any training materials for OCR to review and approve.

By February 15, 2017, the District will provide OCR with a copy of the final training materials, sign-in sheets, and any other documents related to the completion of the training(s).

2. The District will provide notice of protections available under Section 504 by taking the following actions:
 - a. The District has included in the 2016-2017 Parent-Student Handbook and the District’s website the District’s obligation under Section 504 to conduct a manifestation determination review for a student with a disability before any significant change in placement for disciplinary reasons.
 - b. The District will add handbook language for the 2017-2018 school year under “Student Discipline” that specifies that “[I]n the event that the school district believes that a student may be eligible under Section 504, an eligibility determination should be made prior to disciplinary action that will result in a change in placement.”
 - c. By December 30, 2016, the District will draft and disseminate to all instructional staff and administrators a notice explaining the District’s obligation to respond promptly and effectively to disability-based harassment that it knows or reasonably should know about. The notice must also explain that if an investigation reveals that discriminatory harassment has occurred, the District must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. The notice must also explain how to report disability-based harassment and reference existing anti-bullying and anti-harassment policies of the District.
 - d. Beginning the effective date of this agreement through the remainder of the 2016-2017 school year, for any student attending ~~East Mecklenburg High~~XXXX School who receives a proposed disciplinary consequence that includes or could include a reassignment to ~~Turning Point Academy~~XXXX or any other alternative school setting for more than 10 school days, the District will provide written notice of the obligations described in Provision 1 to the parents or guardians of the students prior to any reassignment.
 - e. By December 30, 2016, the District will provide a memo concerning the obligations described in Provision 1 to all District teachers, administrators, and Section 504 Coordinators.

Reporting Requirement:

By December 16, 2016, the District will provide OCR with a copy of the proposed language for inclusion into the 2017-2018 Parent-Student Handbook and proposed written notices for Provisions 2c, 2d, and 2e for review and approval.

By January 20, 2017, the District will provide OCR with a proof of delivery of the notice described in Provisions 2c and 2e.

By July 15, 2017, the District will provide a list of ~~East Mecklenburg High~~XXXX School students with proposed disciplinary actions that could have resulted in alternative school reassignments for more than ten days, during the 2016-2017 school year, and copies of the notices provided to the students' parents/guardians per Provision 2d, along with notes indicating the method of delivery.

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 regulation implementing Section 504, Title II, at 34 C.F.R. Part 104, 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: November 21, 2016

Name and Title: Ann B. Clark, Superintendent

Authorized District Representative