

**Voluntary Resolution Agreement  
Cabarrus County Schools  
OCR Complaint #11-13-1118**

Cabarrus County School District (the District) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve the above-referenced complaint.

<XXXX Paragraph Redacted XXXX>

<XXXX Paragraph Redacted XXXX>

1. By December 13, 2013, the District will provide training to the administration and licensed staff at XXXX regarding the definition of disability under Section 504, evaluating students for disabilities under Section 504, and the creation and implementation of 504 Plans.

Reporting Requirement: Within 7 calendar days of the training referenced in item two, the District will provide OCR with an outline of the content of the training and the name and credentials of the individual who provided the Section 504 training. The District will provide OCR with documentation that the training was provided, including sign-in sheets for attendees, the agenda, and a copy of training materials.

2. XXXX as well as appropriate administrators, special educators, and general educators, will attend this meeting. During this meeting, the XXXX team will:
  - a. Plan for the implementation of interim accommodations based on updated information from the Student's parents;
  - b. Begin the process of formally evaluating the Student for an Individualized Education Program (IEP) and/or 504 Plan and set dates for completing the evaluation process and for meeting to discuss the findings.

Reporting Requirement: Within 7 calendar days of the meeting referenced in item 3, the District will provide OCR with documentation confirming that it occurred, including: the date on which the meeting was held, a list of the individuals present at the meeting, a record of what was discussed, a record of the determination reached by the XXXX team, and a description of the team's rationale for its decisions.

3. <XXXX Paragraph Redacted XXXX>

Reporting Requirement: Within 7 calendar days of the Review referenced in item 4, the District will provide OCR with documentation confirming it occurred, including: the date on which the Review was held; a list of the individuals present at the Review; a record of what was discussed; and documentation of the final determination and its rationale.

<XXXX Paragraph Redacted XXXX>

Reporting Requirement: By November 1, 2013, the District will provide OCR with a copy of the letter referenced in item 5.

4. The District will conduct a Review for all students with disabilities pursuant to Section 504 and/or IDEA (“Students with Disabilities”) placed or assigned to the Opportunity School as the result of a violation of the District’s Student Code of Conduct. For purposes of compliance with this provision, OCR defines a Review to include consideration of relevant information from a variety of sources; appropriate documentation; and relevant input from individuals knowledgeable about the student, the disability, and the placement options; with due process available for any disagreements. The purpose of this Review will be to determine whether the student’s conduct was caused by, or had a direct or substantial relationship to, his/her disability. If the conduct is determined to have been caused by, or had a direct or substantial relationship to, the student’s disability, the student’s placement shall not be changed. However, the District will not be required to conduct a Review for Students with Disabilities assigned to the Opportunity School pursuant to 34 CFR 300.530(g). In addition, the District will not be required to conduct a Review for students qualified under Section 504 who are currently engaging in the illegal use of drugs when the District acts on the basis of such use.

Reporting Requirement: By November 1, 2013, the District will provide OCR a list of all Students with Disabilities currently assigned to the Opportunity School as the result of a violation of the District’s Student Code of Conduct, including the date of enrollment, the number of days the student is required to attend the Opportunity School, and the date of the Review held for each student along with the final outcome of each Review.

Reporting Requirement: The District will provide a list of all Students with Disabilities assigned to the Opportunity School as the result of a violation of the District’s Student Code of Conduct semiannually on: March 1, 2014, September 1, 2014, March 1, 2015, and September 1, 2015. This list will include all Students with Disabilities who have been assigned to the Opportunity School as the result of a violation of the District’s Student Code of Conduct during the prior six months, their dates of enrollment, the length of time each student is required to attend the Opportunity School, and the date of the Review held for each student along with the final outcome of each Review.

5. The District will revise its Section 504 Handbook to ensure that students who enter the District with existing 504 Plans receive services appropriately.

Reporting Requirement: By November 1, 2013, the District will submit to OCR a draft of its revised Section 504 procedures. Within 30 days of receiving feedback from OCR, the Superintendent of the District shall take action and publish and disseminate the policy accordingly. The District will provide OCR with documentation that it has published and disseminated the policy and procedures within 10 days of publication.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Part 104, which was at issue in this case.

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 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.

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.

FOR THE DISTRICT:

\_\_\_\_\_/s/\_\_\_\_\_  
Name

\_\_\_\_\_/10/23/13\_\_\_\_\_  
Date