

**Resolution Agreement
Charlotte-Mecklenburg Schools
OCR Case No. 11-13-1169**

To resolve the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (the ADA) and their implementing regulations, the Charlotte-Mecklenburg Schools (the District) voluntarily enters into this resolution agreement and commits to implement the provisions set forth in this agreement in order to resolve the allegation in this complaint.

District's Homebound Procedures

By **September 30, 2013**, the District will revise and submit to OCR its Section 504 Homebound Procedures (revised Homebound Procedures) and post them on the District's public website. The revised Homebound Procedures will, at a minimum:

- a. require that decisions regarding homebound services be made based on an individualized assessment of a student's needs;
- b. require that decisions regarding homebound services be made by a group of individuals knowledgeable about the student, the student's disability, and placement options; and
- c. not limit a student's homebound services to a predetermined number of hours.

Reporting Requirement: The District will publish and implement the procedures and provide OCR with copies of all the publications and links to websites where the revised procedures appear.

Training on the Revised Homebound Procedures

By **October 31, 2013**, the District will provide training on the revised Homebound Procedures to the Section 504 Coordinators at each school in the District to ensure that they are aware of the District's obligations under Section 504 with regard to the placement of students with disabilities on homebound and provision of homebound services. The District will issue a memorandum to the Principals, Vice Principals and Special Education Coordinators at each school within the District advising them of the revised Homebound Procedures and emphasizing provisions (a), (b) and (c) above. The memorandum will advise school personnel of the name and contact information of the District personnel designated to respond to questions regarding the revised procedures.

Reporting Requirements: By **November 15, 2013**, the District will provide OCR with a report confirming completion of the required training, including: (i) the date of each training session(s); (ii) a list of names and titles of the District and/or School personnel who participated in the training session above; (iii) the title and qualifications of the trainer; and (iv) copies of the agenda and training materials disseminated at the training session.

Reporting Requirements: By **November 15, 2013**, the District will provide OCR with a copy of the memorandum described above.

Individualized Student Review

By **December 31, 2013**, the District will convene a team of knowledgeable persons, consistent with the requirements of Section 104.35(c), to review the Section 504 plans and related files for all students placed on homebound during the 2012-2013 school year to determine whether any students with disabilities were

denied a free appropriate public education as the result of being limited to 10 hours of homebound services per month. For each applicable student, the team will review the student's individual circumstances to determine whether the provision of compensatory educational services or other appropriate relief is warranted and offer and provide compensatory educational services to affected students, as appropriate, along with a timetable for delivery of those services.

Reporting Requirements: By **January 31, 2014**, the District will provide OCR with a report confirming the completion of the required review. In the report, the District will provide: the name (or unique identifier) of each student on homebound for the 2012-2013 school year; the nature of the student's disability; whether the student is enrolled in the District for the 2013-2014 school year; whether the student continues to be identified as a student with a disability; the number of homebound hours per month provided to the student during the 2012-2013 school year; the length of time the student was on homebound; a determination as to whether the student's individual needs should have resulted in additional hours of homebound services; an indication of whether the student's parent(s) participated in the meeting; and a copy of all documentation from the 504 review meeting.

Reporting Requirements: By **February 15, 2014**, for those students that the team determined were entitled to compensatory education services, the District will provide documentation that those services were offered and/or provided to the students. If the provision of compensatory education services for any particular student(s) extends beyond February 15, 2014, the District will provide the requested documentation for that student(s) within 10 school days of the completion of all compensatory education services.

Reporting Requirements: By **February 15, 2014**, for those students that the team determined were not entitled to compensatory education services, the District will provide documentation supporting that determination.

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 the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were 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 the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 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.

//s//
Superintendent

9/30/2013
Date