

RESOLUTION AGREEMENT
Cabarrus County Schools
OCR Complaint No. 11-16-1292

Cabarrus County Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation(s) investigated in Office for Civil Rights (OCR) Complaint No. 11-16-1292. This Agreement does not constitute an admission by the Division 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.

By March 31, 2021, the District will provide training to all instructional staff, school counselors, school social workers and administrators at the School regarding the District's obligations to students with mental health and behavioral disabilities under Section 504. Specifically, the training will cover the following topics and will illustrate the topics using examples of mental health or behavioral disorders that often manifest themselves in student misbehavior, such as XXXXX in adolescents.¹

1. The District's responsibility to meet the individual educational needs of students with mental health and behavioral disabilities, including their behavioral needs;
2. The District's policies and procedure for the evaluation of students with mental health and behavioral disabilities for eligibility under Section 504, including who should be present at the meeting and the types of information a Section 504 team should consider in evaluating a student for eligibility under Section 504;
3. The District's responsibility to affirmatively develop (either through its own research or in consultation with staff or experts in the field) and implement strategies appropriate to the individual needs of a student with a mental health or behavioral disability, taking into consideration strategies or accommodations raised by the student's parent, guardian, or advocate;
4. The District's responsibility to reconvene the Section 504 team if it comes to the District's attention that a Section 504 Plan does not meet the individual educational needs of a student with a mental health or behavioral disability, and to consider whether the Section 504 Plan should be revised to include other appropriate strategies;
5. The circumstances under which a Section 504 team should consider performing a functional behavior assessment and developing a behavior intervention plan (BIP) for a Section 504-only student with a mental health or behavioral disability, and how to accomplish both; and
6. The District's policies and procedures for manifestation determinations, with an emphasis on the types of information a Section 504 team should consider in making manifestation

¹ The training will be developed and presented by or in collaboration with a qualified mental health professional with expertise in working with adolescents.

determinations for a student with a mental health or behavioral disability and how to make such a determination.

Reporting Requirement: By June 30, 2021, the District will provide OCR with documentation confirming completion of the required training, including: (a) the name of the individual(s) who conducted the training and their qualifications; (b) the date(s) of the training session(s); (c) all training materials; and (d) a sign-in sheet including a list of the names, signatures, and position titles of the District personnel who participated in each training session. If the District would like OCR’s feedback in advance, it may provide OCR with a draft copy of the training materials at least two weeks before the date of the training.

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 the 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 and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: 11-6-2020
Dr. Chris Lowder, Superintendent