

RESOLUTION AGREEMENT
Cabarrus County Public Schools
OCR Case No. 11-17-1052

Cabarrus County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1052. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. By August 4, 2017, the District will invite the Complainant in writing to re-enroll the Student in the District in either the XXXX or in the Student's base school. The invitation will notify the Complainant that that Student will receive related aids and/or services through either an IEP or a 504 Plan and that a meeting will be convened in the near future to determine more specifically the nature of those related aids and/or services. The District will request a response to the invitation from the Complainant within five (5) calendar days.

Reporting Requirement

By August 8, 2017, the District will submit to OCR for review and approval a copy of the written invitation to the Complainant outlined in Paragraph 1 of this Agreement, along with the Complainant's response, if any.

2. If the Complainant chooses to enroll the Student at the XXXX by August 7, 2017, the Student (through her parents) will provide the District with sufficient information to document that the Student has completed the XXXX grade classes required by the XXXX (e.g., by provision of a transcript) with substantially equivalent content standards.
 - a. If after reviewing the documentation referenced above, the District determines that the Student has completed the XXXX grade classes required by the XXXX with substantially equivalent content standards, the District will then develop a plan, that allows the Student to enroll at the XXXX as a tenth grader at the beginning of the 2017-2018 school year and provides for the possibility of the Student to earn a high school diploma by the end of the 2019-2020 school year, if the Student meets diploma requirements at that time.
 - b. If after reviewing the documentation referenced above, the District concludes that the Student did not complete the requisite classes with substantially equivalent content standards, by August 8, 2017, the District will provide OCR with a written explanation and supporting documentation outlining the reasons for its conclusion for review to ensure that the District's conclusion is consistent with the standards outlined in paragraph 2.
 - c. If, by August 7, 2017, the Complainant has not provided the documentation referenced in paragraph 2. above, or if the District determines that the Student did not complete the requisite classes with substantially equivalent content standards,

within five (5) days of the Student's enrollment at XXXX, the District will develop a plan, using the strategies outlined in paragraph 2d below, that allows the Student to enroll at the XXXX as a XXXX grader at the beginning of the 2017-18 school year but still provides for the possibility of the student to earn a high school diploma by the end of the 2019-2020 school year, if the student meets diploma requirements at that time.

- d. With regard to the provisions above, any plan will take into account the high school diploma requirements for the XXXX as well as the courses the Student was able to document that she had completed during the XXXX school year. Such plan may include, but is not limited to, modifying the sequencing of courses required to obtain the high school diploma, and/or providing tutoring to assist the student with obtaining a high school diploma. The District will also communicate with the Community College regarding the Community College providing the Student the opportunity to obtain an Associate's Degree, if the Student otherwise meets the requirements for such a degree. The District asserts that it has no authority to amend, adjust, or negotiate the requirements for or provision of an Associate's Degree to the Student.

Reporting Requirements

- a. As expeditiously as possible, but no more than five (5) days after the Student's enrollment by August 8, 2017 at XXXX, the District will develop the applicable plan, which will include whether the Student will be enrolled as a XXXX grader or as a XXXX grader, and a framework of the actions that will be put in place to give the Student the opportunity to graduate from XXXX by the end of the 2019-2020 school year.
 - b. The District will provide to OCR for review the plan for the Student's enrollment at the XXXX, and (if applicable) a written explanation and supporting documentation as outlined in provision 2b, no later than three (3) calendar days of the development of the plan. OCR will review the applicable plan for compliance with this Agreement within three (3) calendar days after receiving the Plan. The District will meet with the Complainant within seven (7) days of OCR's notification that the plan is compliant with this Agreement. If the District determines that the Student should enter into the XXXX grade, as described in paragraph 2c above, when meeting with the Complainant, the District will offer the Complainant with two options – either accept the plan described above that would give the Student the opportunity to obtain a high school diploma by the end of the 2019-2020 under an accelerated timeframe, or reject the plan and allow the Student the opportunity to obtain an Associate's Degree by the end of the 2020-2021 school year. If the Complainant is unwilling or unavailable to meet with the District to review the plan within seven (7) days of OCR's notification that the plan is compliant with this Agreement, the District may hold a meeting without the Student and/or Complainant by that date.
3. Within fourteen (14) days of Student's enrollment by the first day of school at either Student's base school or XXXX, after providing proper written notice to the Student's parent/guardian, District staff will convene a group of persons knowledgeable about the

Student in accordance with 34 C.F.R. § 104.35 (an IEP meeting is not required to meet this obligation but, if held, an IEP meeting will be deemed to satisfy this obligation), making all reasonable efforts to include the Complainant parent. The purpose of this meeting is twofold:

- a. To determine whether the Student will be provided any compensatory and/or remedial services for any alleged violation from the XXXX school year. If the team determines that the Student is entitled to compensatory and/or remedial services, the team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 15, 2018. If the District makes any compensatory and/or remedial services available to the Student consistent with any plan for such services, but the Student chooses not to attend the compensatory and/or remedial services offered, the District has met its obligation under this portion of the Agreement and will not be deemed in violation of the Agreement for services offered but not attended by Student; and
- b. To consider whether further related aids and services are necessary for the Student to have access to the educational program at the base school or XXXX depending on if and where the Complainant chooses to enroll the Student.

The District may choose to convene two separate meetings to consider the items outlined in paragraph 3a and paragraph 3b. Both meetings will be convened within fourteen (14) days of Student's enrollment at either Student's base school or XXXX unless the Complainant is unwilling or unavailable to meet within fourteen (14) days of enrollment by the first day of school at either Student's base school or XXXX. If the Complainant is unwilling or unavailable to meet within fourteen (14) days of enrollment at XXXX or the Student's base school, the District shall not be deemed a violation of this Resolution Agreement for failing to meet within that time period. If the Complainant parent is unwilling or unavailable to meet within fourteen (14) days of the Student's enrollment by the first day of school at XXXX or the Student's base school, the District may hold a meeting without the Complainant by that date. For all meetings convened pursuant to this Agreement, 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. Until the group of persons knowledgeable about the Student convenes, the District will implement the Student's preexisting IEP.

Reporting Requirements

- a. Within one (1) week of the meeting described in Paragraph 3 above, the District will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting(s) referenced above, including
 - i. the participants in the meeting,
 - ii. an explanation for decisions made and the information considered,
 - iii. documentation regarding further accommodations that would be necessary for the Student to have access to the educational program at the school in which the Student will enroll,
 - iv. a description of and schedule for providing any compensatory

- and/or remedial services (if any) to the Student, and
 - v. the notice of procedural safeguards, and the written invitation to the Student’s parent/guardian.
- b. OCR will review the documentation to ensure that the District met the procedural requirements of the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations. Within five (5) days of receiving the documentation, OCR will approve the documentation or inform the District of any procedural changes requested by OCR.
 - c. Within three (3) 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 and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
 - d. By July 1, 2018, the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were offered, a description of what services were offered, and the name(s) of the service provider(s).
4. By August 4, 2017, the District will expunge the Student’s education record of references to the truancy petition filed by the District against her on or about XXXX and request that the Department of Juvenile Justice (DJJ) expunge the Student’s record of such petition.

Reporting Requirements

- By August 8, 2017, the District will provide OCR documentation that it expunged the Student’s education records of references to the truancy petition and that it requested DJJ to expunge the Student’s records of such petition.
5. By November 15, 2017, the District will train the District’s Section 504 Coordinator and all school-designated Section 504 Coordinators, on the requirements of Section 504 and Title II. By February 1, 2018, the District will also train all administrators, guidance counselors, and school social workers in the District, and the Student’s teachers for the 2017-2018 school year on the Requirements of Section 504 and Title II. The training will emphasize the District’s obligations under Section 504 to conduct a timely evaluation of all students identified as needing or believed to need special education or related aids and services. The training will include, but not be limited to:
- a. An explanation of the District’s policy and procedure for identification and evaluation under Section 504;
 - b. The role of the Section 504 Coordinator in the District;
 - c. A description of the types of information the District considers in evaluating students,

including but not limited to psychoeducational testing; and

- d. A reminder that the District, not parents or guardians, is responsible for obtaining all information for the evaluation, including conducting educational and psychological testing if necessary and appropriate.
 - e. A reminder that that when a student with a disability is experiencing significant absences, a meeting should be scheduled to determine if there is any connection between the student's disability and the absences. If such a connection is found, an appropriate team should determine whether any modifications to the student's accommodations or modifications is necessary as a result of the absences.
6. By November 15, 2017, the District will train the District's Section 504 Coordinator and all school-designated Section 504 Coordinators at the District's high schools on anxiety and school refusal. By February 1, 2018, the District will also train all administrators, guidance counselors, and school social workers in the high schools, and the Student's teachers for the 2017-2018 school year, on anxiety and school refusal. The training will be conducted by an individual with expertise in this subject and will include, at minimum, a description of the characteristics of students with anxiety and school refusal, and strategies for educators supporting students with anxiety and school refusal.

Reporting Requirements for Provisions 5 and 6

- a. By October 15, 2017, the District will provide for OCR's review and approval a copy of the training materials prepared for Items 4 and 5, including the name(s), title(s), and qualifications of the trainer(s), and any handouts or presentations developed for this training.
 - b. By March 15, 2018, , the District will provide OCR with documentation confirming completion of the trainings, including: (a) the date of each training session(s); (b) a sign-in sheet including the list of names and titles of the District personnel who participated in each training session; and (c) a copy of any handouts or presentations used at the training.
7. If the Student is enrolled under this Agreement but is withdrawn before any deadline set out in this Agreement, the District is relieved of its obligations under paragraphs 2 or 3 of this Agreement.

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 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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

_____/8/3/2017_____
Date