

**RESOLUTION AGREEMENT**  
**Buncombe County Schools**  
***OCR Complaint No. 11-18-1087***

Buncombe County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation(s) investigated in Office for Civil Rights (OCR) Complaint No. 11-18-1087. This Agreement does not constitute an admission by the District 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.

1. By July 31, 2019, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, to discuss the provision of compensatory and/or remedial services to the Student for the time period when it was alleged that the Student did not receive special education or related services for the 2017-2018 school year. If appropriate, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 1, 2019. 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.

Reporting Requirements:

- a. Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees.
  - b. If the parent does not attend the meeting, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting within 14 days of the date of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. If applicable, the District will provide a copy of this written notice to OCR.
  - c. If applicable, by December 15, 2019, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).
2. The District will develop and disseminate a memorandum or similar guidance document to all staff at the Progressive Education Program at T.C. Roberson High School that reminds staff of their obligations under Section 504 XXXXX.
    - a. By August 1, 2019, the Division will provide OCR a copy of the memorandum discussed above.

- b. By September 30, 2019, the Division will provide documentation to OCR establishing that it has disseminated a copy of the memorandum to those individuals designated in Action Item 2 by hard copy or electronic mail.

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: \_\_\_\_\_  
Dr. Tony Baldwin, Superintendent