

RESOLUTION AGREEMENT
Wake County Public School System
OCR Complaint No. 11-18-1147

Wake County Public School System (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-1147. 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.

Action Item A: The Student

By August 1, 2018, after providing proper written notice to the Student's parent, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent, with the purpose of developing a plan for providing compensatory and/or remedial services to the Student for any time period that the District failed to timely evaluate the Student to determine whether she was eligible for regular or special education and related aids and services, XXX. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2018. The District will provide the Student's parent 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, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
- b. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent with written notice of the outcome 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. The District will provide a copy of this written notice to OCR.
- c. By January 31, 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).

Action Item B: Training

By October 31, 2018, the District will provide training(s) to: (i) XXX School staff (specifically the principal, assistant principal(s), social worker(s), guidance counselor(s), school nurse(s), and school psychologist(s); and (ii) District staff in its XXX office and Special Education Services office (including XXX staff), on the District's Section 504 obligations to identify and evaluate in a timely manner any student who needs or is believed to need special education or related aids and services because of a disability, including when the District is aware of a student's disability or has reason to suspect a student has a disability. The training will include the District's Section 504 obligations for students the District encounters who the District knows live within the District's jurisdiction but are not currently or yet enrolled in the District.

Reporting Requirements:

- a. At least 30 calendar days prior to the date of the proposed training(s) identified in Action Item B above, the District will provide to OCR an outline of the content of the training(s), including a copy of training materials, and the name and credentials of the individual(s) who will provide the training(s) for OCR's review and approval.
- b. Within 10 calendar days after the date of the training(s) identified in Action Item B above, the District will provide to OCR documentation confirming that the training(s) occurred, the date on which the training(s) was held, and a list of the individuals (by name and title) present at 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 of this Agreement. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close this complaint.

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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: _____
Jacki Russell
Senior Director of Policy and Fiscal Compliance
Special Education Services
Wake County Public School System