

RESOLUTION AGREEMENT
Wake County Public Schools
OCR Complaint No. 11-19-1064

Wake County Public Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1064. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item A: The Student

1. By May 31, 2019, the District will review and assess the number of XXXXX hours the Student missed as a result of her removal from the XXXXX (the School) XXXXX XXXXXX XXXXX (the Program) from approximately XXXXX through the XXXXX XXXXX.
2. By June 15, 2019, after its review and assessment, the District will offer the Complainant/the Student, in writing, compensation in the form of XXXXX commensurate with the Program within the District. In the event that no commensurate courses exist within the District, the District will secure an external/private course commensurate to the Program and offer it to the Complainant/the Student. Any internal/external course is to be completed by December 31, 2019. The Complainant/the Student must respond to the District's offer in writing within 15 calendar days of the date of the written offer.

Reporting Requirements:

1. By June 15, 2019, the District will provide documentation to OCR demonstrating that it reviewed and assessed the number of XXXXX hours the Student missed, as described above, and provide a copy of the written offer to the Complainant/the Student.
2. By July 15, 2019, the District will provide OCR with documentation of a response to its offer from the Complainant/the Student, if any.
3. By January 15, 2019, if applicable, the District will provide OCR with documentation that the agreed-upon XXXXX were provided to the Student.

Action Item B: Reviewing/Assessing the District's XXXXX Assessment Protocol/Policies and Procedures

The District will identify which of its protocols and/or policies and procedures are applicable to conducting XXXXX assessments of students. The District will review and assess any existing protocols and/or policies and procedures regarding its XXXXX or other XXXXX assessments of students, and ensure that District staff are adequately trained regarding the same, including with respect to: conducting such assessments in a timely manner once the District has notice of XXXXX or XXXXX behavior; how such XXXXX assessments are conducted and documented; and how any resulting determinations or recommendations are to be used by the school, ensuring that they do not result in unlawful discrimination on the basis of disability.¹ If the District does not currently have any existing protocols and/or policies and procedures regarding XXXXX or other XXXXX assessments as described above, it will revise or develop protocols and/or policies and procedures and train relevant District staff on them.

Reporting Requirement:

By August 31, 2019, the District will report to OCR the process and results of the review and assessment, as required by Action Item B, and other actions taken, if any.

Action Item C: General Disability-Discrimination Training

By August 31, 2019, the District will develop and provide training to School teachers and administrators on the requirements of Section 504. The training will emphasize the District's obligations under Section 504 to prohibit disability discrimination, including but not limited to the requirement to treat students equally on the basis of disability in the provision of aid, services, or benefits, at 34 C.F.R. Section 104.4.

Reporting Requirement:

By September 15, 2019, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item C above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated, in response to Action Item C above.

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

¹ To the extent that any XXXXX XXXXX assessment may also implicate the District's Section 504 obligations to identify and locate a student with a disability, and to evaluate a student with a disability who needs or is believed to need special education and/or related aids and services, at 34 C.F.R. Sections 104.33 and 104.35(a), the District should also emphasize the same.

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: May 3, 2019_____

Cathy Moore
Superintendent (or Designee)
Wake County Public Schools