

**RESOLUTION AGREEMENT**  
**Buncombe County Schools**  
**OCR Complaint No. 11-19-1222**

Buncombe County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegation investigated in Office for Civil Rights (OCR) Complaint No. 11-19-1222. 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**

By September 1, 2019, after providing proper written notice to the Student's parents/guardians, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the Student's parents/guardians, to: (a) assess the degree to which the District failed to implement the Student's Section 504 Plan during the 2018-2019 school year with respect to the completion of the Student's XXXXX XXXXX (the XXXXX ); (b) determine whether the Student requires any compensatory special education and/or related aids and services for occasions when the Student's XXXXX were not completed during that 2018-2019 school year, to be completed by December 31, 2019; and (c) if applicable, determine whether the Student's Section 504 Plan should be revised for the upcoming 2019-2020 school year in order to clarify the District's role in ensuring that the Student's XXXXX are completed daily. The District will provide the Student's parents/guardians 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 5 calendar days of convening the group of knowledgeable persons, the District will submit to OCR a copy of the meeting notes or similar documentation from the meeting, the notice of procedural safeguards, the written invitation to the Student's parents/guardians, and a list of meeting attendees consistent with the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36.
- b. Within 5 calendar days of making its determination, the District will provide the Student's parents/guardians with written notice of the outcome of the meeting, including an explanation for decisions made. The District will provide a copy of this written notice to OCR.
- c. By January 15, 2020, and if applicable, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided to the Student, a description of what was provided, and the name(s) of the service provider(s).

**Action Item B: Training**

By September 30, 2019, the District will develop and provide training to XXXXX XXXXX School (the School) staff, including teachers, administrators, and any other School/District personnel responsible for providing disability-related services to students with disabilities, on the requirements of Section 504 and Title II. The training will, at a minimum, emphasize the District’s obligations under Section 504 to provide a free appropriate public education (FAPE) to students with disabilities, specifically, by developing, implementing, and monitoring the provision of special education and/or related aids and services pursuant to students’ Section 504 Plans, Behavioral Intervention Plans (BIPs), or an Individualized Education Programs (IEPs).

**Reporting Requirement:**

- a. By August 30, 2019, the District may voluntarily submit to OCR an outline of the content of the training and the name and credentials of the individual who will present the training to School staff.
- b. Within 5 calendar days of the training, the District will provide documentation that such training was provided consistent with the requirements 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.

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: \_\_\_\_\_/s/\_\_\_\_\_ Date: August 20, 2019  
Dr. Tony Baldwin or Designee  
Superintendent  
Buncombe County Schools