

RESOLUTION AGREEMENT
Wake County Public School System
OCR Complaint No. 11-20-1364

The Wake County Public School System (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve the allegations investigated in Office for Civil Rights (OCR) Complaint No. 11-20-1364. This Agreement does not constitute an admission by the District of a violation 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 January 8, 2021, 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 determine whether the student received or did not receive the services required by his 504 Plan XXXXX and, if not, what remedial action, if any, to offer to the Student. Remedial action might include, but is not limited to, XXXXX. If the group determines that remedial action is warranted, the group will develop a plan for taking such action with a completion date not to extend beyond February 1, 2021. The District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made, a description of and schedule for providing remedial action (if any) to the Student, and notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within two weeks 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 remedial action (if any) to the Student, and a list of meeting attendees. The District will also submit to OCR a copy of the written invitation to the Student's parent/guardian and a copy of the notice of the outcome of the meeting that was provided to the Student's parent/guardian. 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 of the completion of the remedial action, the District will provide OCR with a description of the remedial action provided, along with any underlying documentation thereof.
2. By January 11, 2021, the School will issue a memorandum to School administrators, instructional staff and staff responsible for overseeing special education and related services. The memorandum will include a statement that School staff must communicate in a timely manner the special education and related services required for each student to all staff responsible for implementing such services. The memorandum will also include examples of concrete safeguards that School staff must follow to ensure that no delay in the implementation of services occurs at the beginning of each academic semester.

Examples of such safeguards may, but do not necessarily need to, include requiring written communication between instructional staff and staff responsible for overseeing special education and related services about any special education or related needs of their assigned students prior to the start of classes.

Reporting Requirement:

- a. Within 10 calendar days of dissemination, the District shall provide OCR with a copy of the memorandum and documentation verifying that the memorandum was disseminated to the required recipients. If the District would like OCR's feedback in advance, it may provide OCR with a draft copy of the memorandum at least two weeks before the date of issuance.

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 terms and obligations of 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 statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

By: _____ Date: _____
Name and Title