

**Charlotte Public School District
Resolution Agreement
OCR Docket #15-22-1033**

Charlotte Public School District (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. In entering into this Resolution Agreement, the District does not admit that it violated Section 504, Title II, or any other state or federal law rule or regulation, or that the District engaged in any form of discrimination related to the Student or the Complainant.

The District agrees to take the following actions:

1. By **May 16, 2022**, the District will convene a meeting with relevant administrators and special education staff to discuss “lunch bunch,” otherwise known as the “lunch-time social group,” or “social skills group.” Specifically, the participants will discuss whether it is necessary to implement changes to lunch bunch to ensure it comports with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4, 104.34, and 104.35. If changes are necessary, the District will memorialize the planned changes. If the District determines changes are not necessary, it will document the reasons for its determination.

Reporting Requirement: By **May 30, 2022**, the District will provide OCR with documentation regarding the District’s plans with respect to lunch bunch. OCR will review the documentation to ensure that the program meets the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.4, 34 C.F.R. §§ 104.34, and 104.35. If OCR identifies a particular compliance concern with the District’s plans regarding lunch bunch, OCR will notify the District.

2. By **June 2, 2022**, the District will convene an Individualized Education Program (IEP) team meeting regarding the student at issue in this complaint (the Student) to determine:
 - a. Whether the current placement set forth in the Student’s IEP was designed to meet the Student’s needs as adequately as the needs of students without disabilities and adheres to the requirements of the Section 504 implementing regulation at 34 C.F.R. §§ 104.34, 104.35, 104.36 as well as 34 C.F.R. § 104.37. Determinations as to FAPE must be based on the Student’s individual education needs, and take into account the requirement that he be educated with peers to the maximum extent appropriate to his needs.
 - b. Whether the Student requires any compensatory services (e.g., counseling) related to the allegation that the Student was subject to different treatment through mandatory participation in lunch bunch during the XXXXX and XXXXX school year. In determining whether compensatory services might be necessary, the

District will consider Complainant's allegations that the events underlying the OCR complaint may have made the Student feel singled-out on the basis of his disability, and what services, if any, are necessary to remediate any harm to the Student. If the Team determines that compensatory services are necessary, it will also develop a plan for providing the services to the Student.

Reporting Requirements: By **June 30, 2022**, the District will provide OCR with all documentation related to the IEP meeting. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504 in making these determinations.

3. By **September 1, 2022**, the District will provide training to administrators, special education staff, and any other relevant staff that work with students with disabilities at Charlotte High School on the District's obligations to students with disabilities under Section 504 and Title II including, but not limited to, different treatment, significant change in placement, and the requirement that, in both academic and nonacademic settings, the District educate students with disabilities with students without disabilities to the maximum extent appropriate to the needs of the student with a disability and administer services, programs, and activities in the most integrated setting appropriate to the needs of a qualified student with a disability. If the District is waiting on OCR's approval of previous Action Steps, it may request an extension to this deadline.

The training(s) will be provided by a person(s) knowledgeable about Section 504, Title II, and District policies and procedures.

Reporting Requirement: By **September 9, 2022**, the District will provide OCR with documentation showing that the District implemented Item 3. The documentation will include information about the date(s) of the training(s); copies of the agenda and any training materials distributed; the name and qualifications of the person(s) who provided the training; and a copy of the sign-in sheets of attendees, indicating name and job title. If the District is waiting on OCR's approval of previous Action Steps, it may request an extension to this deadline.

General Requirements

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 the Agreement. Upon the District's satisfaction of the terms and obligations of the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s).

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

The Agreement will become effective immediately upon the signature of the District's representative below.

/s/

04/13/2022

Superintendent or Designee

Date