

**Resolution Agreement**  
**McIntosh County Schools (GA)**  
**OCR Complaint # 04-14-1670**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of McIntosh County Schools (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

**Student Focused Remedies/Compensatory Education**

1. By **November 15, 2014**, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, the District will determine whether the Student needs compensatory and/or remedial services.
2. By **November 30, 2014**, if the group determines that compensatory educational services are needed, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **May 1, 2015**. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

**REPORTING REQUIREMENT:** By **December 15, 2014**, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

3. By **November 15, 2014**, the District will notify the Complainant in writing of the District's offer for the Student to be placed or remain in a remediation class for the Criterion-Referenced Competency Tests (CRCT) for the 2014-2015 school year. If the Complainant

accepts the offer of services, the District will provide those services for the 2014-2015 school year.

**REPORTING REQUIREMENT:** By **November 29, 2014**, the District will provide OCR with a copy of the notice sent to the Complainant offering the remediation class to the Student. If the Complainant accepts the offer of services, the District will provide OCR with documentation of the services provided by June 1, 2015.

4. By **May 1, 2015**, the District will provide any compensatory services referenced in Item # 1 above.

**REPORTING REQUIREMENT:** By **May 15, 2015**, the District will provide OCR with applicable documentation demonstrating that the services were provided.

#### **Dissemination and Implementation of Students' IEPs and Section 504 Plans**

5. By **November 30, 2014**, the District will develop a procedure to ensure that all faculty and staff at McIntosh Middle School (School) involved in the implementation of IEPs and Section 504 plans receive a copy of and are knowledgeable of the contents of the IEPs and Section 504 Plans of all the students with disabilities that they serve. The procedure will require that teachers and staff sign an acknowledgement that each has received, read and understands the contents of the IEPs and Section 504 Plans of the students with disabilities they serve. This procedure will be implemented at the beginning of each semester, and whenever a new student with a disability enrolls mid-semester.

#### **REPORTING REQUIREMENT:**

- (a) By **December 15, 2014**, the District will submit to OCR for its review and approval, the draft procedure.
- (b) Within 30 days of OCR's approval of the procedure developed in accordance with Item 5 above, the District will adopt and implement the procedure and will provide all faculty and staff with written notice regarding the new procedure.
- (c) Within 30 calendar days after the implementation of the new procedure, the District will provide OCR with documentation that it has adopted and implemented the new procedure, including copies of the written notice issued to faculty and staff regarding the new procedure and a description of how the notice was distributed. The District will also provide OCR a copy of the form signed by all teachers and staff that serve students with disabilities with IEPs and Section 504 Plans acknowledging that each has received, read, and understood the contents of the IEPs and Section 504 Plans of the students with disabilities each serves.

**Training**

6. By **March 2, 2015**, the District will initiate annual training of the School's faculty and staff involved in the implementation of IEPs and Section 504 Plans, regarding the new procedure developed in accordance with Item 5 above.

REPORTING REQUIREMENT: By **March 16, 2015**, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the School faculty and staff who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of implementation of IEPs and Section 504 and Title II; and (4) a copy of the agenda and the 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 this 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 and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a), which were at issue in this case.

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

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**Superintendent or Designee**

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**Date**