

**Resolution Agreement
Rockdale County School District, GA.
OCR Complaint #04-14-1025**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Rockdale County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794 *et seq.*, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 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 allegations of the complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues in this investigation, the District voluntarily agrees to take the following actions.

Student-Focused Remedy:

1. By **May 5, 2014**, the District will send the Complainant a letter, apologizing for removing the Student from the Advancement Via Individual Determination (AVID) Program at Memorial Middle School (School), extending an offer to reenroll the Student in the Program for the 2014-15 school year and assuring the Complainant of the District's policy of prohibiting different treatment on the basis of disability.

Reporting Requirement:

By **May 30, 2014**, the District will provide OCR with a copy of the letter sent to the Complainant, her response to the offer and if applicable, evidence that the Student enrolled in the AVID pursuant to Item #1.

2. By **May 5, 2014**, the District will send letters to the parents of the three students with disabilities at the School who may have been denied access based on their Section 504 status and offer them admission into the AVID Program for the 2014-15 school year, without imposing any conditions for admission other than current enrollment in the District.

Reporting Requirement:

By **May 30, 2014**, the District will provide OCR with a copy of the letters sent to the parents of the three students, their response to the offers and if applicable, evidence showing that the students enrolled in AVID pursuant to Item #2.

Procedural Remedies

3. By **April 30, 2014**, the District will issue a directive to AVID staff District-wide, advising them that students with disabilities may not be excluded or dissuaded from participating in the Program because they have a disability or because they are on a 504 Plan or Individual Education Program.

Reporting Requirement:

By **May 15, 2014**, the District will provide OCR with copies of the directive issued to AVID staff at the School confirming that it has taken appropriate personnel action pursuant to Item #4 above.

4. **A)** By **May 30, 2014**, the District will submit to OCR for approval, a revised notice of nondiscrimination. The revised notice will include the identification, by name or title, address and telephone number of the person(s) responsible for coordinating compliance with Section 504, Title VI, Title IX, the Age Discrimination Act, and Title II.¹

B) By **June 30, 2014, or within 30 days of OCR's approval, whichever is later**, the District will adopt and publish the notice in all publications, including but not limited to student and faculty handbooks, applications, newsletters, as well as the District and schools' websites.

Reporting Requirement:

By **July 30, 2014, or within 30 calendar days of completion of Item # 4-B, whichever is later**, the District will provide OCR with documentation that it has fully implemented Item #4 by providing copies of its publications that contain the revised policy and links to its webpages where the revised policy is located.

5. **A)** By **June 15, 2014**, the District will submit to OCR for approval, revised policies for handling complaints of discrimination provide for a prompt and equitable resolution of complaints pursuant to the implementing regulations of Section 504 and Title II.² At a minimum, the revised procedures will include:
 - a. revisions to its reporting procedures to apply its 24-hour reporting preference only to employees who witness harassment or discrimination, and to clarify that the District will provide a prompt and equitable response even if reports by parents, students or third parties are submitted subsequent to the 24-hour time frame;
 - b. reasonably prompt timeframes for each stage of the investigation and appeal process, as well as a process for extending timelines;

¹ See <http://www.ed.gov/about/offices/list/ocr/doc/nondisc.html> for a sample notice of nondiscrimination that meets the minimum requirements of the regulations enforced by OCR.

² These procedures also incorporate standards for addressing harassment complaints.

- c. an adequate, reliable, and impartial investigation of complaints, including the opportunity for the complainant and alleged perpetrator to present witnesses and relevant evidence;
- d. an assurance that the District will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate;
- e. steps to protect the complainant, as necessary, including taking interim steps before the final outcome of the District's investigation;
- f. a statement that the preponderance of evidence standard will be used for investigating allegations of harassment;
- g. an adequate definition of disability harassment with examples;
- h. written notification to both parties of the outcome of the complaint investigation; and
- i. written notification to both parties of the opportunity to appeal the findings or remedy, if appeal procedures are retained.

B) By June 30, 2014, or within 60 days after receiving written notification from OCR that the revised procedures have been approved, whichever is later, the District will adopt and implement the procedures. Further the District will 1) post the procedures on District/school websites; 2) have copies of the procedures available at the main office of each school and at the District offices³; and 3) notify parents and students of the new procedures by sending out email blasts with a link to the procedures on the website and by sending letters advising them of the revised procedures, the availability of copies of the procedures at the main office at each school and at the District offices, contact information for obtaining a copy of the procedures by mail and web links to obtain copies of the revised procedures. The District will also include the revised procedures in information packets given to new students who enroll in the District after the foregoing notices have been sent to parents/guardians.⁴

C) By July 30, 2015, the District will publish its revised grievance procedures in all student and staff handbooks for the 2015-16 school year.

Reporting Requirement:

- a) **By July 30, 2014 or within 30 days of completing action #5-B above, whichever is later,** the District will provide OCR with documentation that should include, but will not necessarily be limited to, a copy of the notification placed on the District's website along with the web address for the notification and confirmations from each school confirming that notifications were made to parents regarding the new procedures.

³ Copies of procedures will be placed in locations readily accessible to visitors to the office, except as required by any standard building security procedures, individuals seeking copies from a District or school office will not be required to provide their names, their children's names or other information or sign any District document in order to obtain a copy of the procedures.

b) **By August 20, 2015**, the District will provide OCR with student and staff handbooks containing the revised grievance procedures in accordance with #5C above.

Training:

6. By **April 30, 2014**, the District will contact OCR to schedule a mutually agreeable time for training by OCR of all of the District's AVID staff members regarding the Section 504 and Title II prohibitions against subjecting students to with disabilities to different treatment on the basis of disability. Thereafter, the District will conduct training on the same content on an annual basis.

Reporting Requirement:

Within 30 days of completion of the training described in Item #6, the District will provide OCR with the sign-in sheets showing all staff, by name, title and work location of all AVID staff members who attended the OCR training described above.

7. By **September 30, 2014**, the District will provide training to all administrators, faculty and staff in the District on the revised grievance procedures and the Section 504 and Title II requirements of prompt and equitable grievance procedures. Thereafter, the District will conduct training on the same content on an annual basis.

Reporting Requirement:

Within 15 calendar days of completion of the initial annual in-service training described in Item #7, the District will provide OCR with the date(s) of the training, copies of the sign-in sheets showing all staff, by name, title, and work location, who attended the training, the name and qualifications of the trainer, and copies of the agenda and training materials provided.

Outreach Remedies

8. By **June 30, 2014**, the District will develop an informational program that will be offered to the parents or guardians of all District students that will explain the admissions process and operations of the AVID Program and will provide an assurance to parents or guardians that the AVID Program does not discriminate against students on the basis of disability in the admissions process.

Reporting Requirement:

By **June 30, 2014**, the District will provide OCR with a copy of its plan and actions it has taken relative to Item #8 above.

Record Keeping and Monitoring

9. **Effective immediately**, the District will maintain accurate records concerning the selection and retention of students for the AVID Program at all of its schools, and **by May 30, 2014 and annually thereafter**, the District will review selections and removals of AVID students to ensure that students with disabilities are not discriminated against during the application process or during removal from the AVID Program. The records will include applications of all students, with and without disabilities as well as records reflecting which students were accepted, denied, enrolled or removed from the AVID Program and the reasons for any denials of applicants or removals of students from the Program. The District will designate personnel to review the foregoing records and removals to determine whether students with disabilities were discriminated against during the application process or during removal from the AVID Program. If the District finds that students with disabilities were subjected to different treatment on the basis of disability, it will take corrective action including, but not limited to offering admissions or reinstatement to the AVID Program. The District will maintain any and all records related to its review, findings and corrective actions.

Reporting Requirement:

By **December 17, 2014, and 2015** the District will provide OCR all records maintained by the District including the results of its review and any corrective action taken pursuant to Item #9.

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. §§104.4(a) and (b) (1)(i)-(iv) and (vii), 104.8, 106.9 and 110.25, respectively, and the Title II implementing regulation at 28 C.F.R. §§ 35.106 and 35.130(a) and (b) (1)(i)-(iv) and (vii) which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at the Section 504 implementing regulation at 34 C.F.R. §§104.4(a) and (b) (1)(i)-(iv) and (vii), 104.8, 106.9 and 110.25, respectively, and the Title II implementing regulation at 28 C.F.R. §§ 35.106 and 35.130(a) and (b) (1)(i)-(iv) and (vii) 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.

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

/s/

4/25/14

Superintendent or Designee

Date