

**Resolution Agreement
DeKalb County School District
OCR Docket # 04-14-1310**

DeKalb County School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 04-14-1310 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

STUDENT FOCUSED REMEDIES

Student's Discipline Record

1. By January 15, 2015, the District will expunge any and all of the Student's discipline records regarding his 2013 assignment to the alternative school. Additionally, the District will provide written notice to the Complainant that the Student's discipline record has been expunged regarding the 2013 alternative school assignment.

REPORTING REQUIREMENTS: By January 30, 2015, the District will provide to OCR evidence that it has expunged the Student's discipline records as described above and provide a copy of the written notification it sent to the Complainant.

Compensatory Education

2. By February 15, 2015, after providing proper written notice to the Student's parent, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or related services from August 2013 to January 2014. If so, within one 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 March 30, 2015. The District will provide the Student's parent 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 decision as to whether compensatory and/or remedial services are needed, 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.
- b. By May 1, 2015, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

3. By February 15, 2015, after providing proper written notice to the Student's parent, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or related services from August 2013 to January 2014. If so, within one 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 March 30, 2015. The District will provide the Student's parent 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 decision as to whether compensatory and/or remedial services are needed, 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.
- b. By May 1, 2015, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

POLICIES AND PROCEDURES

4. By December 1, 2014, the District will amend its Code of Conduct to specifically detail what conduct constitutes an infraction under the code of Conduct and specify the discipline that will be imposed for each infraction. Specifically, the District will amend the Code of Conduct to detail the range of disciplinary consequences a student will receive when an injury results from the student's actions.

REPORTING REQUIREMENTS:

- a. By January 15, 2015, the District will forward to OCR for its approval the policies and procedures described above.
 - b. By March 15, 2015 or within 30 days of OCR's approval of the above policies and procedures, the District will publish and disseminate in accordance with its usual process to District staff, parents, guardians and students.
 - c. By April 30, 2015 or within 15 days of the date the District publishes and disseminates the above policies and procedures, the District will provide OCR of documentation show where and when the policies and procedures were published.
5. By February 15, 2015, the District will develop policies and procedures to ensure that the health related provisions of Section 504 plans and the IEPs of students with disabilities are fully

implemented by personnel designated by the District, regardless of whether a student is in the classroom or in any other school sanctioned setting.

REPORTING REQUIREMENTS:

- a. By March 1, 2015, the District will forward to OCR for its approval the policies and procedures described above.
 - b. By April 30, 2015, or within 30 days of OCR's approval of the above policies and procedures, the District will publish and disseminate the policies and procedures to District staff, parents, and students in accordance with its usual process.
6. By February 15, 2015, the District will develop policies and procedures regarding how the Section 504 plans/IEPs of students with disabilities are to be developed and implemented for District students who are enrolled in DeKalb Online Academy (DOLA) classes to ensure that students with disabilities receive a FAPE when taking DOLA classes.

REPORTING REQUIREMENTS:

- a. By February 28, 2015, the District will forward to OCR for its approval the policies and procedures described above.
 - b. By April 15, 2015 or within 30 days of OCR's approval of the above policies and procedures, the District will publish and disseminate the policies and procedures in accordance with its usual process to District staff, parents, guardians and students.
 - c. By May 1, 2015 or within 15 days of the date the District publishes and disseminates the above policies and procedures, the District will provide OCR of documentation show where and when the policies and procedures were published.
7. By February 15, 2015, the School will develop policies and procedures to provide a system to document the date, and reason(s) students are referred the School's SRO. Further, the School will develop a form to document when the student is transported from the School, by whom the student is transported, to what jail or juvenile facility a student is transported, and when the student is logged in to the jail or juvenile facility.

REPORTING REQUIREMENTS:

- a. By March 1, 2015, the District will forward to OCR for its approval the policies and procedures described above, along with the form the School will use to provide the information detailed in Item 8 above.
- b. By April 30 15, 2015 or within 30 days of OCR's approval of the above policies and procedures and the form, the District will publish and disseminate in accordance with its usual process to District staff, parents, guardians and students.
- c. By May 15 28, 2015 or within 15 days of the date the School publishes and disseminates the above policies and procedures, the School will provide OCR of documentation to show where and when the policies, procedures, and the form were published.

TRAINING

8. By April 15, 2015, the District will initiate annual training for District administrators, faculty, and staff regarding the Section 504 and Title II legal standards regarding the development and implementation of Individualized Education Programs (IEP) when a student with disabilities has a change of placement. Additionally, the training will provide information on the District's policies and procedures regarding how teachers and administrators are to implement the Section 504 plans/IEP plans of students with disabilities who are enrolled in DOLA.

REPORTING REQUIREMENTS: By April 30, 2015, the District will provide OCR with a report confirming the completion of the Annual Policy Training for administrators, faculty, and staff at the School. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the administrators, faculty, and staff at the School who completed the training.

9. By May 15, 2015, the School will initiate annual training for School administrators, faculty, and staff regarding the Section 504 and Title II prohibitions of different treatment on the basis of disability in the area of discipline.

REPORTING REQUIREMENTS:

- a. By June 1, 2015, the District will provide OCR with a report confirming the completion of the above referenced training for administrators, faculty, and staff at the School. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the materials used for the training; and (3) a list of the administrators, faculty, and staff at the School who completed the training.
 - b. By August 15, 2015, the District will initiate annual training regarding the policies and procedures attendant with the District's responsibility to ensure that health related Section 504 and IEP provisions are implemented in the classroom and in any other school sanctioned setting.
 - c. By May 15, 2015, the School will initiate annual training for School administrators, faculty, and staff regarding the Section 504 and Title II prohibitions of different treatment on the basis of disability in the area of discipline.
 - d. By June 1, 2015, the District will provide OCR with a report confirming the completion of the above referenced training for administrators, faculty, and staff at the School. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the materials used for the training; and (3) a list of the administrators, faculty, and staff at the School who completed the training.
10. By August 15, 2015, the District will initiate annual training for School administrators and the SRO regarding the above policies and procedures and how to utilize the form used to track the location of students referred to the SRO and the criminal justice system.

REPORTING REQUIREMENTS: By August 30, 2014, the District will provide OCR with a report confirming the completion of the Annual Policy Training for administrators, faculty, and staff at the School. The documentation shall include: (1) the background and qualifications of the

presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the administrators, faculty, and staff at the School who completed the training.

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 regulations implementing Section 504, at 34 C.F.R. §104.4(a)(b)(1)(ii) and (iii) and 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. §35.130(a)(b)(1)(ii) and(iii), which were at issue in this case. The District also 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 regulations implementing Section 504 implementing regulations at 34 C.F.R. §104.4(a)(b)(1)(ii) and (iii) and 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. §35.130(a)(b)(1)(ii) and(iii).

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.

Superintendent or Designee

Date