

RESOLUTION AGREEMENT
Marietta City School District
Complaint Number 04-14-1507

The U. S. Department of Education, Office for Civil Rights, (OCR) and the Marietta City School District (the District) enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, and to resolve the issues of this investigation, the District agrees to take the following actions:

Section 1: Student Focused Remedy

- 1. Within sixty (60) days of signing this Agreement,** the District will revise the schedules to ensure that all Exceptional Student Services (ESE) students with disabilities in the self-contained classrooms or riding special education buses receive the same length of school day that students without disabilities receive at Marietta High School (MHS). No ESE self-contained student with a disability will depart prior to the end of the school day, unless the individualized educational program (IEP) or Section 504 team has determined that the individual educational needs of the specific student warrant a shortened school day to ensure the provision of a free appropriate education (FAPE). In such instance, the District will ensure that the student's IEP or Section 504 plan specifically identifies and explains the student's need for a shortened school day.
- 2. Within ninety (90) days of signing this Agreement,** the District will identify all the ESE self-contained students with disabilities at the MHS who were transported by the special bus and lost 15 minutes or more per day of instructional time because they were picked up earlier than students on the regular buses during the 2013-2014 school year through the present. For each student still enrolled in the District, the District will:
 - a) determine the amount of school time each student lost;
 - b) send a letter to the parent or guardian, notifying the parent or guardian of the lost time, and inviting them to schedule an IEP or Section 504 team meeting during the 2017-2018 school year to determine whether compensatory services are deemed necessary; and,
 - c) for each student for whom the parent or guardian schedules an IEP or Section 504 team meeting and for whom the team determines compensatory services are necessary, the District will provide those services.

Reporting Requirements:

Within ninety (90) days of signing this Agreement, the District will provide OCR with the revised bus schedules for the MHS and the MHS's start and dismissal times, in accordance with

Item #1 above.

Within thirty (30) days of signing this Agreement, the District will submit to OCR the letter the District intends to send to the students identified as missing instructional time in accordance with Item #2 above, for review and approval.

Within 120 days of OCR's approval of the letter in Item #2 above, the District will submit to OCR documentation of each letter sent, each student for whom the parent or guardian elected to schedule an IEP or Section 504 team meeting, notification of the date that the IEP or Section 504 meetings were conducted, and the minutes of the meetings. If compensatory services are deemed necessary, the District will submit documentation demonstrating that the compensatory services will be provided and the date(s) that the services will be provided. If compensatory services are not deemed necessary, the District will provide OCR with the IEP and/or Section 504 meeting minutes from the meeting(s) where that decision was made and any documentation showing the rationale and basis of that determination.

Section 2: Training for District Faculty and Staff

- 3. Within 120 days of signing this Agreement**, the District will provide Section 504 and Title II training to District administrators and teaching staff that serve special education and Section 504 students. The training will focus on the District's non-discrimination obligations under Section 504 and Title II, including the District's obligation to provide a full instructional day to students with disabilities unless the student's Section 504 team or IEP team determines through a process that comports with Section 504, that a shortened school day is necessary to meet the student's individual educational needs.

Reporting Requirement:

Within sixty (60) days of completion of the training, the District will provide documentation demonstrating the following: a) the date, time and location of the training(s); b) an outline of the training and/or copy of the materials disseminated at the training; c) the name(s), title(s), and credentials of the individual(s) who conducted the training; d) the name and title of each individual who attended the training (including dated sign-in sheets with the attendees' names, titles, and work locations); e) the total number of staff members not in attendance and the measures taken by the District to ensure that each is provided the training materials and an opportunity to ask questions to clarify the materials.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. §104.21, and Title II implementing regulation at 28 C.F.R. §35.149. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

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

Dr. Grant Rivera, Superintendent

Date