

**Resolution Agreement  
DeKalb County School District  
Complaint #04-15-1019**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against DeKalb County School District (District) pursuant to 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), as amended, 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. To ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

**Remedies Pertaining to Students in the CBVT Program:**

1. **By June 15, 2015**, the District will discontinue the use of the Legal Release for students in the CBVT program.

**REPORTING REQUIREMENT: By June 15, 2015**, the District will submit documentation related to Item #1 above.

2. **By June 15, 2015**, the District will issue to the Complainant and all parents/guardians of students currently eligible to participate in the CBVT program, a letter setting forth the District's change in policy/practice, effective immediately, to no longer require a signed legal release from any student wishing to participate in the CBVT program.

**REPORTING REQUIREMENT: By June 15, 2015**, the District will submit a copy of the proposed letter related to Item #2 above, for OCR's approval.

**REPORTING REQUIREMENT: Within 10 days of receiving OCR's approval**, the District will mail the approved letter to the Complainant and other parents/guardians, and provide a copy to OCR.

3. **By June 15, 2015**, the District will purge from all District/School files all signed legal release documents received for students participating in the CBVT program during the 2014-2015 school year.

**REPORTING REQUIREMENT: By June 15, 2015**, the District will submit a copy of the documents showing that the action related to Item #3 above has been completed.

**Training Component:**

4. **By August 31, 2015**, the District will provide training to the District's Section 504 Coordinator and all of the administrators and teaching staff who are involved in the CBVT program regarding the District's obligations under Section 504/Title II to not

discriminate based on disability and to provide a free appropriate public education (FAPE) to students with disabilities without conditioning an offer of FAPE upon a release of legal claims.

**Reporting Requirement:** Within **thirty (30) days after the date of the training**, the District will provide documentation to OCR demonstrating that the District has conducted the training pursuant to Item #4 above. The documentation shall include: (1) the date(s) of the training sessions; (2) a list of names and titles of District employees who participated in the training session(s); (3) a description of the presenter's background and qualifications with respect to knowledge about Section 504/Title II different treatment and FAPE; and (4) a copy of the agenda and 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 regulations implementing Section 504 at 34 C.F.R. Sections 104.4 (a) and (b)(1)(i)-(iv) and (vii), and 104.33, and the regulations implementing Title II at 28 C.F.R. Section 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 regulation implementing Section 504 at 34 C.F.R. Section 104.4 (a) and (b)(1)(i)-(iv) and (vii), and 104.33, and with the regulation implementing Title II at 28 C.F.R. Section 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. §104.61, incorporating 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/\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_/5/20/15\_\_\_\_\_  
Date