



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
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**Resolution Agreement
Gwinnett County School District, GA
OCR Docket # 04-15-1022**

The Gwinnett County School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to resolve the above referenced complaint and to ensure compliance with 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), as amended, 42 §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Accordingly, the District voluntarily agrees to take the following actions.

STUDENT-FOCUSED REMEDIES

Action Item 1

By May 30, 2016, for each student who participated in the District's Supported Training and Rehabilitative Instruction in Vocational Education (STRIVE) Program for a full day during the 2014-15 school year, the District will provide a written offer to the student and parent/guardian to provide compensatory services in the amount of 81 hours during the summer of 2016. Transportation will be provided.

Reporting Requirements:

- a. By June 1, 2016, the District will provide documentation to OCR demonstrating that the District provided a written offer for compensatory services to STRIVE students and their parents/guardians in accordance with Action Item 1.
- b. By August 1, 2016, the District will provide documentation to OCR demonstrating that the students who accepted the District's written offer in accordance with Action Item 1 were provided compensatory services. The documentation shall include, but is not limited to, the dates, times and locations that compensatory services were provided, a description of what was provided, and the name(s) of the service provider(s).

Action Item 2

By January 1, 2016, the District will ensure a full instructional day for students in the STRIVE program, beginning with the 2015-16 second semester of the school year, by increasing the daily hours of service for STRIVE students by 26 minutes so that it is comparable to the instructional school day for students in regular high schools, unless the student's IEP team had previously determined or determines through a process that comports with the Section 504 regulation, that a shortened school day is necessary to meet the student's individual needs.

Reporting Requirements:

By August 1, 2016, the District will provide documentation to OCR demonstrating that, beginning with the second semester 2015-16 school year, it has increased the daily hours of service for STRIVE students by 26 minutes, to ensure that the instructional day for STRIVE student is comparable to the instructional school day for students in regular high schools, unless there is a legitimate educational or health reason for a student to receive a shortened school day, as determined by the student’s IEP.

TRAINING

Action Item 3

By August 1, 2016, the District will provide training to administrators and teaching staff on the District’s obligation under Section 504 and Title II 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 the Section 504 regulation, that a shortened school day is necessary to meet the student’s individual needs.

Reporting Requirements:

By August 1, 2016, the District will provide documentation to OCR demonstrating that the District conducted training in accordance with Action Item 3. The documentation shall include, at a minimum, the date of the training session, the staff who attended the training session, a description of the presenter’s background and qualifications, and a copy of the agenda and the training materials disseminated.

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. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. § 35.130, 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, at 34 C.F.R. §§ 104.33, 104.34, 104.35, 104.36, and Title II, at 28 C.F.R. § 35.130, 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 sixty (60) calendar days to cure the alleged breach.

Date

Superintendent or Designee
Gwinnett County School District

Print Name