

**Newton County School District  
Resolution Agreement  
Complaint #04-15-1041**

Newton County School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in complaint number 04-15-1041 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. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

**Student Focused Remedies**

- 1. By June 30, 2015**, the District will provide OCR: a) a list of all students with disabilities at the School who received special education services through a self-contained model from August 2014 to January 2015; b) a list of all students with disabilities who received special education services through a pull out model by Special Education Paraprofessionals and/or Special Education Teachers from August 2014 to January 2015; c) a list of all dates of absences of one or more General Education Teachers from August 2014 to January 2015; d) for each General Education teacher who was absent one or more days, please include each student with a disability in that General Education class that receives pull out services; e) a list of all dates of absences of one or more Special Education teachers; and f) for each self-contained special education class, and each date on which the Special Education teacher was absent from August 2014 to January 2015, a description of the services the students received, and the name and qualification of each substitute who covered a class through the self-contained model.

**REPORTING REQUIREMENT:**

**By June 30, 2014**, the District will provide OCR with the lists created pursuant to Item #1.

- 2. By August 31, 2015**, after providing proper written notice to the parents/guardians of each students on List 1a and each student on List 1b, the District will convene a meeting of a group of knowledgeable persons, including the parents/guardians, who determine whether the student requires compensatory and/or remedial services as a result of services missed from August 2014 through January 2015. If so, within 1 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 October 31, 2015. The District will provide the students' parents/guardians notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

**REPORTING REQUIREMENT:**

- 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 students. 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 **September 30, 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).

**Training:**

1. By **August 31, 2015**, the District will initiate annual training of the School's principal, special education teachers and paraprofessionals, Special Education Director and 504 Coordinators concerning the obligation to implement IEPs and 504 plans fully and on the School's obligation to ensure that qualified staff is available to provide services specified in students' IEPs and 504 plans, in the absence of regularly assigned staff.

**REPORTING REQUIREMENT:** By **August 31, 2015**, the District will provide OCR documentation that it has provided training in accordance with Training Item #1. The documentation will include the date of the training, the agenda, a copy of handouts or any powerpoint materials used, the name and qualifications of the individual providing the training and the names and titles of the individuals who attended the training.

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. § 104.33, and the Title II implementing regulation at 28 C.F.R. § 35.130 .

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 34 C.F.R. § 104.33, and the Title II implementing regulation 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 a minimum of sixty (60) calendar days to cure the alleged breach.

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District Superintendent  
or designee

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Date