



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

61 FORSYTH ST., SOUTHWEST, SUITE 19T10  
ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

**RESOLUTION AGREEMENT**  
**Dougherty County School District**  
**Complaint Number 04-16-1209**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Dougherty County School District (District) enter into this Resolution Agreement (Agreement) to resolve the issue 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. § 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

***Policies and Procedures***

1. By **December 8, 2017**, the District will develop procedures to clearly inform special education staff that students cannot be suspended from school for more than 10 days or for a series of suspensions if they are currently being evaluated to determine if they qualify for special education services without completing the evaluation and if the student does qualify, the student will have a manifestation determination to determine if the disability caused the behavior. Staff will be informed that suspensions cannot delay the evaluation.

**REPORTING REQUIREMENT**

By **January 31, 2018**, the District will provide OCR with a copy of the notification or procedures to be used to inform special education staff that students being evaluated cannot be suspended for more than 10 days or for a series of suspensions that delay the evaluation process.

***Training***

2. By **March 1, 2018**, the District will provide training to special education staff at South Georgia Regional Achievement Center (Center), including the Section 504 Coordinator regarding Item #1 above. At a minimum the training must address:

The Section 504 legal standards concerning the evaluation and placement of students and the District's Section 504 policies and procedures with specific regard to the requirement to develop evaluation and placement procedures in accordance with the regulation implementing Section 504 at 34 C.F.R. § 104.35.

3. By **March 1, 2018**, the District will conduct training to its psychologists to ensure that there is consistency regarding the criteria used to determine Section 504 eligibility for students with emotional and behavior disabilities.

### **REPORTING REQUIREMENT**

By **April 1, 2018**, the District will provide OCR with documentation demonstrating that it has timely completed Items #2 and #3. Specifically, the will submit to OCR documentation demonstrating the completion of the training for the appropriate faculty and administrators. Such documentation should include: the date(s) of the training session(s); a copy of the agenda for the training; the name, position, and credentials of the trainer(s); and an attendance sheet signed by the participants that indicates their names and titles.

### ***Compensatory Services***

By **December 8, 2017**, after providing proper written notice to the Student's parent/guardian, 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 timely evaluate the Student during the 2015-2016 school year. 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 the end of the 2017-2018 school year. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

### **REPORTING REQUIREMENT**

- a. **Within 2 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 **June 1, 2018**, 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).

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 and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(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, at 34 C.F.R. §104.33 and the regulations implementing 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 a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Section 504 or Title II or their implementing regulations.

---

Dougherty County School District  
[Authorized Official]

---

Date