

RESOLUTION AGREEMENT
Muscogee County Schools
OCR Docket # 04-16-1549

OCR and the Muscogee County School District enter into this agreement to resolve the allegations in the above-referenced complaint. The District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin by recipients of Federal financial assistance, Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., and its implementing regulation, C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance, 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Individual Remedies:

1. By May 1, 2018, 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 provide appropriate regular and/or special education or related services from October 14, 2015 to May 19, 2016. If so, within 5 school days of its determination, the group will develop a plan for offering timely compensatory services which, if needed, will be offered during the summer with a completion date not to extend beyond December 31, 2018. The District will provide the Student's parent/guardian notice of the procedural safeguards at the meeting including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

Within 10 school days of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents documenting 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 offering 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.

By no later than January 15, 2019, the District will provide documentation to OCR of the dates and locations compensatory services were provided and/or offered, as well as, a description of what was provided or offered, and the name(s) of the service provider(s).

2. By July 1, 2018, the District will expunge the Student's records and transcripts of any disciplinary notations or records from the 2015-2016 school year.

Reporting Requirement:

By August 1, 2018, the District will provide OCR with copies of the Student's updated disciplinary record, sharing the relevant data.

Training:

3. By August 31, 2018, the District will provide training to Clubview Elementary School's Section 504 Coordinator(s), administrators, and the teachers who taught the Student during the 2015-2016 school year, as well as all School staff who had contact with the Student during the 2015-2016 academic year. The training will consist of:
 - a. An overview of the Section 504 and Title II legal standards regarding FAPE, evaluation, and implementation of Section 504 plans and IEPs, under 34 C.F.R. §§104.32-104.33.
 - b. An overview of the District's obligations under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color or national origin by recipients of Federal financial assistance, with specific attention paid to methods by which District staff can avoid disparate racial outcomes in discipline.
 - c. An overview of the District's obligations under Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., and its implementing regulation, C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance, with specific attention paid to methods by which District staff can avoid disparate gender outcomes in discipline

Reporting Requirements:

By September 15, 2018, the District will provide OCR with a written report confirming the completion of training specified in Item #5. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list participants who completed the training, including a list of their names and titles.

The recipient understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the recipient understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such

additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement.

Upon the recipient's satisfaction of the commitments made under the Agreement, OCR will close the case.

The recipient understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR will give the recipient 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.

Superintendent (or designee)

Date