

RESOLUTION AGREEMENT
Gwinnett County School District (Georgia)
Complaint Number 04-17-1425

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Gwinnett County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in complaint number 04-17-1425. 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Pursuant to Section 302 of OCR's Case Processing Manual, the District voluntarily agrees to implement the following actions:

I. Student-Focused Remedy

1. **By October 29, 2018**, the District shall offer the Complainant (in writing) the opportunity to meet with District staff knowledgeable about the Student, consistent with the requirements of the Section 504 implementing regulation at 34 C.F.R. § 104.35, to determine whether the Student requires remedial or compensatory services for the period of August 2016 through April 2017. **If the Complainant accepts the District's offer, the District shall convene the required meeting no later than November 29, 2018.** The District shall ensure that the Complainant receives notice of procedural safeguards consistent with the Section 504 implementing regulation at 34 C.F.R. § 104.36 with respect to the meeting.

Reporting Requirement:

By December 14, 2018, the District shall produce to OCR evidence that the offer required by Item 1 of this Agreement was submitted to the Complainant. If the Complainant accepts the District's offer, the District shall produce evidence showing that the meeting required by Item 1 of this Agreement occurred prior to November 29, 2018, including, at a minimum: (1) the District's written offer consistent with Item 1 of this Agreement; (2) documentation of the meeting date and all attendees; (3) copies of documents and information reviewed during the meeting, including meeting minutes; and (4) the group's determination as to whether, and what specific remedial or compensatory services the group deemed appropriate for the Student.

II. Staff Training

2. **By December 31, 2018**, the District shall provide mandatory training for faculty and staff at W.J. Cooper Elementary School (School) involved with the registration and/or enrollment of new students at the School, and faculty or staff involved with the evaluation and placement of new or transferring students who, because of disability,

need or are believed to need special education or related services. The training shall include, at a minimum:

- a. the District's obligation to provide a free appropriate public education to each qualified student with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability, pursuant to the Section 504 implementing regulation at 34 C.F.R. § 104.33; and,
- b. the District's obligation to conduct an evaluation of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement, pursuant to the Section 504 implementing regulation at 34 C.F.R. § 104.35.

Reporting Requirement:

By January 15, 2019, the District shall produce the following documentation and information regarding its training in compliance with Item 2 of this Agreement: (1) a roster of School faculty and staff involved with the registration and/or enrollment of new students at the School and faculty or staff involved with the evaluation and placement of new or transferring students who, because of disability, need or are believed to need special education or related services; (2) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; (3) a copy of the agenda and the training materials disseminated; and, (4) dated sign-in sheets showing that the School faculty and staff identified in Item 2 attended the training and/or certificates issued via an online training platform.

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 applicable Section 504 and Title II implementing regulations. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon signature of the District Superintendent or Designee below.

District Superintendent or designee
Gwinnett County School District

Date