

**Resolution Agreement
Atlanta Public School District, GA
OCR Docket # 04-18-1040**

The Atlanta Public School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement), pursuant to Section 302 of the *Case Processing Manual*, to voluntarily 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 U.S.C §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This Agreement has been entered into voluntarily and does not constitute a finding or admission that the District is not in compliance with Section 504 or Title II and/or the implementing regulations. Accordingly, the District voluntarily agrees to take the following actions.

Action Item:

By August 15, 2018, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian,¹ with the purpose of developing a plan for providing compensatory and/or remedial services to the Student if the group determines the Student did not receive appropriate regular and/or special education or related services, during the 2017-2018 school year. The group will determine the number of service hours needed to compensate for any missed services, and will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond December 31, 2018. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the opportunity for parental input and the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. By September 14, 2018, the District will provide supporting documentation that provides an explanation for decisions made, a description of and schedule for providing

¹ OCR will consider the District to have made reasonable efforts to include the parent/guardian in the meeting if the District provides the parent/guardian at least three different dates to choose from in scheduling the meeting with at least one week's notice. If the District does not receive a response from the parent/guardian within 72 hours of when the District sends the proposed dates, the District may proceed with scheduling the meeting. If the parent/guardian is not available on any of the dates the District proposed, the parent/guardian must notify the District of such in writing within 72 hours. The parent/guardian's written communication must also include three proposed dates on which the meeting may be held. The dates that the parent/guardian recommends must be non-holiday weekdays within the hours of 8:30 am and 1:30 pm so as to allow sufficient time for the meeting to be held and they must be at least one week from the date of the parent/guardian's written communication. If the group is unavailable on any of the dates the parent/guardian proposes, the District will repeat this process until a date is agreed upon.

If the IEP Team is unable to complete its business in one meeting, the District shall make reasonable efforts (as defined in this footnote) to schedule any subsequent meetings. Under no circumstances will the District be required to meet on a non-business day, or before or after any employees' scheduled work hours.

compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. 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 December 21, 2018, the District will provide OCR documentation of the dates, times and locations that any 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, 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 and 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.

June 6, 2018
Date

/S/
Superintendent or Designee,
Atlanta Public Schools
(District)