

**RESOLUTION AGREEMENT**  
**DeKalb County School District**  
**OCR Complaint #04-18-1088**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and DeKalb County School (District), enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability.

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 issue of this investigation, the District agrees to take the following actions:

**VOLUNTARY ACTION ITEM A**

By October 1, 2019, to supplement the investigatory steps the District previously took in response to the Complainant's allegation that the Teacher mistreated Student 1, the District will:

1. Provide the Complainant an opportunity to describe the complaint she made to the Principal, including (a) whether she alleged that the Teacher was motivated by disability and (b) when the alleged mistreatment occurred;
2. With Student 2's parent's/guardian's permission, attempt to conduct a second interview of Student 2 as a potential witness/victim in connection with the matter;
3. Identify and evaluate any inconsistencies that may exist in any statements previously provided in response to the Complainant's allegation;
4. Take remedial action, as appropriate;
5. Provide the Complainant and Teacher with the outcome of the investigation, as supplemented by Voluntary Action Item A 1-4, above.

**REPORTING REQUIREMENTS:**

By October 30, 2019, the District will submit documentation to OCR evidencing that it completed or took reasonable steps to complete Voluntary Action Item A 1-5, above.

**VOLUNTARY ACTION ITEM B**

If the District determines that the Teacher was responsible for the treatment described by the Complainant after the supplemental investigation, by October 30, 2019, the District, after providing proper written notice to Student 1's parent/guardian, will convene a group of knowledgeable persons (group), including the parent/guardian, to determine whether, and, if so,

what compensatory education or other remedial services Student 1 requires for the time period. If the group determines compensatory education or other remedial services are needed, within one week of its determination, the group will develop a plan for providing the education/services, including who will provide the services, when the services will be provided, and the start and projected end dates of the services, which will be provided at no cost to the Complainant and will become a part of the Student's Individual Education Plan. The District will provide the Student 1's parent/guardian notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

#### **REPORTING REQUIREMENTS:**

By November 15, 2019, the District will submit to OCR documentation showing implementation of Action Item B, above, including a copy of any meeting minutes, a copy of any plan developed for Student 1, documentation of any input provided by Student 1's parent/guardian, evidence that procedural safeguards were provided to the parent/guardian, and any other documentation relevant to the determinations reached in accordance with Action Item 1, above. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation.

#### **VOLUNTARY ACTION ITEM C**

1. By September 1, 2019, the District will provide training to its Office of Legal Affairs (OLA) investigative staff regarding how to conduct a disability harassment investigation pursuant to Section 504 and Title II.

#### **REPORTING REQUIREMENTS:**

By September 15, 2019, the District will submit documentation to OCR showing that OLA investigative staff completed the training referenced in Voluntary Action Item B 1, above. The documentation shall include: (1) a dated sign-in sheet for the training session, (2) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 Title VI at 34 C.F.R. §§ 100.3(a) and (b)(1) and (2), which were at issue in this compliance review.

District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI at 34 C.F.R. §§ 100.3(a) and (b)(1) and (2).

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 Resolution Agreement will become effective immediately upon signature of the Superintendent or designee, below.

\_\_\_\_\_  
Signature of Superintendent (or Designee)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Printed Name of Superintendent (or Designee)