

RESOLUTION AGREEMENT
DeKalb County Public Schools (Georgia)
Complaint No. 04-18-1160

The U.S. Department of Education, Office for Civil Rights (OCR) and the DeKalb County Public School District (the District) voluntarily entered into this Resolution Agreement (Agreement) to resolve complaint number 04-18-1160. The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35.

Prior to the completion of OCR's investigation, the District voluntarily agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. OCR has not issued findings concerning issues of the above-referenced complaint. This Agreement does not constitute an admission of wrongdoing or liability by the District pursuant to Section 504 or Title II. Accordingly, to resolve the above referenced complaint, the District agrees to take the following actions.

Student-Focused Remedy

- 1. Within thirty (30) calendar days of the execution of this Agreement,** the District will provide the Student's parent/guardian with written notification (via certified mail, return receipt requested) and via e-mail that the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, to evaluate the Student, using a process that comports with the Section 504 regulations at 34 C.F.R. Section 104.35, to determine whether the Student requires compensatory and/or remedial services as a result of any failure to provide appropriate regular or special education or related services between November 7, 2017 and December 19, 2017. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination regarding compensatory or remedial services through an impartial due process hearing.

Reporting Requirements:

Within fourteen (14) calendar days of the decision as to whether compensatory and/or remedial services are necessary for the Student, the District will submit to OCR documents supporting the group's decisions regarding regular or special education and related aids and services, and regarding compensatory and/or remedial services. 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.

Section 504 and Title II Training:

- 2. Within ninety (90) days calendar days of the execution of this Agreement,** the District will provide training to administrators, faculty, and staff at the School on Section 504 and Title II. The training will include the District’s responsibilities to ensure free and appropriate public education to students with disabilities, and will specifically describe the circumstances under which a manifestation determination should be conducted, as well as the process for initiating and conducting the determination.

Reporting Requirements:

Within ten (10) calendar days after completing the training, the District will provide OCR a report that includes documentation that demonstrates the training occurred, including the date(s) of training, the names and qualifications of the trainer(s), sign-in sheets with participant names and titles, list of staff at the District involved in initiating or participating in manifestation determinations, and a copy of the materials used in the training.

General Requirements

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 the 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. Upon the District’s satisfaction of the commitments under this Agreement, OCR shall close 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.

The Agreement will become effective immediately upon the signature of the District’s representative below.

Superintendent

Date