

RESOLUTION AGREEMENT

Atlanta Public Schools OCR Complaint #04-18-1341

OCR and Atlanta Public Schools (District) enter into this agreement to resolve the allegation in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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 Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 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.

Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

1. By **September 30, 2018**, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian (if possible), will meet to determine whether the Student needs a Section 504 plan. If a Section 504 plan is determined to be appropriate, the group will determine whether the Student is in need of compensatory and/or remedial services. If compensatory and/or remedial services are needed, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **October 31, 2018**. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial hearing.

REPORTING REQUIREMENTS

- a) Within 2 weeks of the decision as to whether or not the Student needs a Section 504 plan, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, and the information considered. OCR will 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 **November 9, 2018**, if compensatory and/or remedial services are determined to be needed, the District will provide documentation to OCR of the dates, times and locations that 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 by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.33 and Title II implementing regulation at 28 C.F.R. §§ 35.103(a) and 35.130(b)(1)(ii) and (iii). 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 the signature of the District’s representative below.

Superintendent
Atlanta Public Schools

Date