

RESOLUTION AGREEMENT
School District of Coweta County
OCR Complaint #04-18-1471

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Coweta County School System (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:

POLICIES AND PROCEDURES

1. By **December 21, 2018**, the District will add a reference to its policies and procedures for evaluation and homebound program for OCR approval, which explains that before placing any student on homebound, who the District knows, or has reason to believe may need related aids or services pursuant to 504, the District must 1) evaluate the student to determine eligibility for special education/Section 504 services (if not already done), or 2) convene a meeting of the student's 504 Team or IEP team (if the student is already receiving related aids and services per a 504 Plan or IEP) to determine whether such placement will ensure continuation of the student's related aids and services during the homebound placement to ensure the student receives a FAPE.¹

REPORTING REQUIREMENTS:

- a) By **December 21, 2018**, the District will submit to OCR a copy of the amended evaluation/placement and homebound policies for review and approval.
- b) **Within 60 days of the approval**, the District shall publish the amended policies in the Student Handbook. The District shall also submit to OCR a copy of the Student Handbook, which includes the amended evaluation and homebound policies.

¹ The Section 504 implementing regulation at 34 C.F.R. § 104.33(b)(1) and (2) defines a FAPE as "the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36. Implementation of an individualized educational program (IEP) in accordance with the Individuals with Disabilities Education Act is one means of meeting this standard."

STUDENT REMEDIES

2. By **November 30, 2018** The District will reimburse the Complainant for the dues paid for Senior activities for which the Student could not attend: Senior picnic and Senior luncheon.

REPORTING REQUIREMENT:

By **November 30, 2018**, the District shall submit to OCR documentation showing that payment was made to the Complainant.

3. By **December 10, 2018**, the District will send the Complainant a letter explaining that the District will provide a list of counselors currently employed by the District from which the Student may choose for counseling for any alleged peer harassment, XXX and isolation that occurred during the second semester of the 2017-2018 school year. The letter shall give the Complainant 45 days to respond. If the Complainant agrees to accept counseling from the District, the District shall begin counseling **within 30 days of acceptance** for a time period agreed upon in writing by the Complainant and the District.

REPORTING REQUIREMENT

- a) By **January 11, 2018**, the District shall provide OCR with a copy of the letter sent pursuant to Item 3.
- b) If the Complainant agrees to accept the counseling, **by May 24, 2018**, the District shall submit to OCR documentation showing that the counseling was provided to the Student for the time period agreed upon by the parties.

TRAINING

4. By **January 11, 2019**, the District will conduct training to all faculty and staff responsible for evaluating students with disabilities and providing homebound services on the District's amended evaluation policy and the District's amended Homebound services policy identified in Item 1, and the requirement of Section 504 to ensure that students who receive related aids and services pursuant Section 504 continue to receive those services while on homebound.

REPORTING REQUIREMENT:

By **February 1, 2019**, the District will submit documentation to OCR showing: 1) the name of the person provided the training; 2) the date of the training session; 3) 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.

5. By **January 11, 2019**, the District will conduct training to all students at the School regarding harassment based on disability, including examples of such.

REPORTING REQUIREMENT:

By **February 1, 2019**, the District will submit documentation to OCR showing: 1) the name of the person provided the training; 2) the date of the training session; 3) 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 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 Section 504 implementing regulation at 34 C.F.R. §§ 104.35 and the Title II implementing regulation at 28 C.F.R. §§ 35.130. 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 Resolution 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 60 calendar days to cure the alleged breach.

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

/s/

Signature of Superintendent (or Designee)

11/19/18

(Date)

Printed Name of Superintendent (or Designee)