

**Resolution Agreement  
DeKalb County School District (Georgia)  
OCR Complaint #04-18-1486**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the DeKalb County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in complaint number 04-18-1486. 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Pursuant to Section 303(b) of OCR's *Case Processing Manual*, to resolve the issues of this investigation, the District agrees to implement the following corrective actions.

**Staff Training**

1. Within sixty (60) days of the signing of this Agreement, the District will provide training to all XXXXXXXXXXXX XXXX School (School) employees, staff, and administrators who work with students regarding Section 504 legal standards concerning the provision of a free and appropriate public education (FAPE) in accordance with the regulation implementing Section 504 at 34 C.F.R. §104.33(a) and (b) and §104.34(a). The training content should include but not be limited to: the requirement to fully implement students' Section 504 plans and individualized education plans (IEPs) and the requirement to ensure that students' educational plans are implemented in accordance with the least restrictive environment (LRE) provision of the plans.

**REPORTING REQUIREMENT:**

Within fifteen (15) days of the completion of the training pursuant to Item 1, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate School faculty, staff, and administrators. Such documentation should include: the date(s) of the training session(s); training materials and a copy of the agenda for the training; the name, position, and credentials of the trainer(s); and an attendance sheet signed by the participants that indicates their names and titles.

**Student-Focused Remedy**

2. Within sixty (60) days of signing this Agreement, the District will identify all students with an IEP who were enrolled in the Student's World Literature class (XXXXXX XXXX XXXXXXXXXXXX) during the fall 2017 semester, and provide proper written notice to each student's parent/guardian. The notice will provide the parents/guardians the option for the District to convene a meeting of a group of knowledgeable persons to

determine whether their student needs compensatory and/or remedial services as a result of the District's failure to educate them with students without disabilities to the maximum extent appropriate, as designated in their IEPs (Least Restrictive Environment or LRE provision).<sup>1</sup> If the parent/guardian confirms their desire to convene the meeting, the meeting will be scheduled. During the meeting, the team will additionally review the student's IEP and determine whether the student requires compensatory and/or remedial services for the District's failure to administer any designated related aids and services (including, but not limited to, co-teaching and small-group testing) in accordance with the LRE provisions of the IEP during the World Literature class. If the team determines the student requires compensatory and/or remedial services, within one (1) week of each IEP team's determination, the group will develop a plan for providing timely compensatory and/or remedial services. The District will provide each student's parents/guardians with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENTS:**

- A. Within fifteen (15) days of the decision as to whether compensatory and/or remedial services are needed for any student identified pursuant to Item 2, the District will submit to OCR documents supporting each group's decision. The documentation submitted shall (1) include a list of students with IEPs who were enrolled in the World Literature class during the fall 2017 semester; (2) include a copy of the notice provided to each parent/guardian pursuant to this Action Item; (3) identify the students whose parent/guardian confirmed their desire for the District to convene a meeting; (4) for any parent/guardian who confirmed their desire to convene a meeting, identify 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 each student; and (5) include any input provided by the student's parents/guardians and the notice of their procedural safeguard rights.
- B. As to each student provided compensatory and/or remedial services pursuant to this Action Item, within fifteen (15) days of the completion of all compensatory and/or remedial services, the District will, if applicable, provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided for each student, 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

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<sup>1</sup> See 34 C.F.R. Section 104.34(a).

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 made under the Agreement, OCR will close the 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 or Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title