

Resolution Agreement
Fayette County School District (Georgia)
Complaint # 04-20-1267

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and Fayette County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. 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), 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. § 12131, and its implementing regulation at 28 C.F.R. Part, which prohibit discrimination on the basis of disability by public entities.

Prior to the completion of OCR's investigation, the District agreed to resolve an issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, the District voluntarily agrees to the following actions.

Student Focused Remedy

1. By **November 1, 2020**, after providing proper written notice to the Student's guardian(s), a group of knowledgeable persons, including the Student's guardian(s), will convene a Section 504 meeting to discuss whether the Student requires compensatory and/or remedial services for the period spanning from August 2019 through October 2019. If the Section 504 team determines the Student needs such services, within one week of its determination, the team will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **May 28, 2021**. The District will provide the Student's guardian(s) with notice of the procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.

Reporting Requirements:

- a) By **November 30, 2020**, the District will submit to OCR a copy of the meeting minutes or similar documentation from the Section 504 meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's guardian(s), a copy of a written notice to the Student's guardian(s) regarding the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, and a list of meeting attendees.
- b) If the District determined compensatory and/or remedial services were necessary, the District will provide documentation to OCR by **July 1, 2021** 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 the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the resolution agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The resolution agreement will become effective immediately upon the signature of the Superintendent or his/her Designee below.

/s/ Audrey Toney
District Superintendent
or Designee

7/10/2020
Date

Audrey Toney, Director of Student Services
Printed Name and Title, if signed by Designee