

**Resolution Agreement
Wayne County Public Schools
Complaint # 04-21-1271**

The U.S. Department of Education, Office for Civil Rights (OCR), and Wayne County Public Schools enter into this Resolution Agreement, which will be referred to as the Agreement in this letter, to resolve the allegation in the above-referenced complaint. The school system 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 U.S. Department of Education; 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.

Pursuant to Section 302 of OCR's Case Processing Manual, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the school system agrees to implement the following corrective actions.

Student Focused Remedies:

Item 1:

By **November 1, 2021**, after providing written notice to the Complainant, the school system will convene a Section 504 meeting including the Complainant, to discuss whether the Student needs compensatory and or remedial services as a result of the failure to provide extra time and frequent breaks during the April 2021 Georgia Milestone testing. As part of this discussion, the Section 504 team, including the Complainant will also discuss whether the April 2021 Georgia Milestones test reporting affected the Student's placement in classes or denied the Student opportunities provided by the school system. If the Section 504 team determines the Student needs such remedial services, the team will develop a plan for providing timely compensatory and/or remedial services with a completion not to extend beyond March 1, 2022. The school system will provide the Complainant with notice of the procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.

Reporting Requirement:

- a) By **November 15, 2021**, the school system will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including and 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 Complainant, and a list of meeting attendees.
- b) By **November 15, 2021**, the school system will provide the Complainant with written notice of the outcome of the meeting, including an explanation for decision made and a

description of and schedule for providing compensatory and/or remedial services, if any, to the Student. The school system will provide a copy of this written notice to OCR.

- c) If the school system determines compensatory and/or remedial services are necessary, the school system will provide documentation to OCR by **April 1, 2022**, 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).

Item 2:

By **November 1, 2021**, the school system will expunge the Student's school records relating to her punishment for academic dishonesty on the April 2021 Georgia Milestone test. Within a week of expunging the Student's record, the school system will inform that Complainant that the incident was expunged from her daughter's record.

Reporting Requirement:

By **November 15, 2021**, the school system will provide OCR with written acknowledgment that all school records relating to the Student's punishment for academic dishonesty on the April 2021 Georgia Milestone test were expunged.

Training:

Item 3:

By **February 1, 2022**, the school system will identify and provide training to school staff members responsible for administering the Student's Georgia Milestone test regarding the implementation of students' IEP and Section 504 plan accommodations consistent with Section 504 and Title II legal standards. The school system will also provide training to the school's principal and assistant principals on the prohibition against retaliation.

Reporting Requirement:

By **February 15, 2022**, the school system will provide OCR with a written report confirming the completion of training specified in Item 3. The documentation shall include: (1) the name, background, and qualifications of the presenter(s)/trainer(s); (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the participants' names and titles who completed the training.

The school system 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 school system understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the school system, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the school system has fulfilled the terms and obligations of the

resolution agreement. Upon the school system 's satisfaction of the commitments made under the Agreement, OCR will close the case.

The school system 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 school system written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

School System Superintendent
or Designee

Date

Printed Name and Title, if signed by Designee