

**Resolution Agreement**  
**DeKalb County School District**  
**OCR Docket #04-14-1747**

DeKalb County School District (District) agrees to resolve the allegation of discrimination on the basis of disability contained in the above complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance 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 at 28 C.F.R. Part 35. This Resolution Agreement (Agreement) has been entered into voluntarily between the parties and does not constitute a finding or admission that the District is in noncompliance with Section 504 or Title II

**Individual Remedy**

1. By April 20<sup>th</sup>, 2015, the District will re-evaluate the Student consistent with the process requirements set forth in the regulation implementing Section 504 at 34 C.F.R. §104.35. The re-evaluation will include consideration of updated evaluation materials including, but not limited to, an updated psychological evaluation of the Student. The District will provide the parent/guardian notice of the procedural safeguards including the right to challenge the determination through an impartial due process hearing.

**Reporting Requirement:**

- a) Within 1 week of the completion of the re-evaluation, the District will submit to OCR a copy of the minutes of the meeting, the updated evaluation materials including any psychological evaluations, the determination of the Section 504 team and the Student's revised Section 504 plan. The District will also provide an explanation for decisions made during the Section 504 team meeting.
2. By April 24, 2015, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services for the time he was suspended from school from August 21, 2014 to September 17, 2014. If the committee determines the Student is entitled to compensatory and/or remedial services, the committee will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond the end of school year 2014-2015. 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 due process hearing.

**Reporting Requirement:**

- a) Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, 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, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, 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 May 31, 2015, or within 15 days of the completion of the compensatory and/or remedial services, 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 names(s) of the service provider(s).
3. By March 27, 2015, the District will expunge the discipline referral dated August 19, 2014 from the Student's discipline records.

**Reporting Requirement:** By April 1, 2015, the District will provide OCR with a copy of the Student's discipline records reflecting that the discipline referral of August 19, 2014, has been expunged from the Student's discipline records.

## **Training**

By August 18, 2015, the District shall initiate annual training of District staff involved in the provision of a free and appropriate public education (FAPE) to students under a 504 Plan and staff involved in the administration of discipline regarding Section 504's requirement to hold manifestation determination team meetings before implementing a significant change in the placement of a student with a disability. The training should include Section 504's requirement to review and consider information from a variety of sources and ensure that the manifestation determination is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data and placement options. The training will also cover the requirement that any psychological evaluation data considered during the manifestation determination meeting is sufficiently recent to afford an understanding of the student's current behavior. Additionally, the training will include overall requirements for the evaluation, discipline, and manifestation determinations of students with disabilities. The initial training will be provided by the Office for Civil Rights and thereafter will be provided by the District.

### **Reporting Requirement:**

- a) The District will notify OCR 30 calendar days in advance, of the date of its in-service annual training of District staff, and provide OCR with an agenda of the training and the name and telephone number of the District's point-of-contact for coordinating the in-service annual training.
- b) By September 1, 2015, the District will provide OCR with a report with the sign in log with name and title of all administrators, faculty and staff who attended the training, including staff from the Arabia Mountain High School.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, and 104.35; and Title II, at 28 C.F.R. § 35.130, which were at issue in this case. The District also 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. §§ 104.33, 104.35 and 104.36; and the Title II implementing regulation, at 28 C.F.R. § 35.130.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

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Superintendent or Designee

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Date

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Printed Name and Title