

**Resolution Agreement  
Ware County Schools (GA)  
OCR Complaint # 04-15-1021**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Ware County Schools (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; 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 by public entities. Prior to the completion of OCR's investigation, the District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the District is not in compliance with Section 504 and Title II and/or their implementing regulations. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

**Student Focused Remedies**

1. If the parent/guardian re-enrolls the Student in one the schools in the District, within thirty (30) days after the re-enrollment, after providing proper written notice to the Student's parent/guardian and the parent/guardian provides consent, the District will convene a Section 504 eligibility committee meeting for the Student, consisting of a group of knowledgeable persons, including the parent/guardian, if the parent/guardian elects to attend the meeting, to determine if the Student is eligible for regular or special education and/or related aids and services as a student with disabilities.
2. **By March 22, 2015**, or within fifteen (15) days after the Committee convenes, whichever is later, if the Student is determined to be eligible, the District will develop a plan to provide a free appropriate public education to the Student based on her individual educational needs. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. 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:** By **April 2, 2015**, or within fifteen (15) days after the Committee makes its decision, whichever is later, 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, a copy of the Student's evaluation report, a copy of the minutes of the meeting held to determine whether the Student is eligible for services to

meet her individual educational needs, and a description of the services that will be provided to the Student, if such services are determined to be necessary.

### **Student Focused Remedies/Compensatory Education**

3. If the parent/guardian re-enrolls the Student in one the schools in the District, within thirty (30) days after the re-enrollment, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, if the parent/guardian elects to attend the meeting, the District will determine whether the Student needs compensatory and/or remedial services for the 2013-2014 school year.
4. By **March 22, 2015**, or within fifteen (15) days after the Committee convenes, whichever is later, if the group determines that compensatory educational services are needed the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **August 1, 2015**. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. 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:** By **April 2, 2015**, or within fifteen (15) days after the Committee makes its decision, 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.

5. By **August 1, 2015**, the District will provide any compensatory services referenced in Item # 4 above.

**REPORTING REQUIREMENT:** By **August 15, 2015**, the District will provide OCR with applicable documentation demonstrating that the services were provided.

6. If the group determines that the failure to evaluate the Student and the need for compensatory services were contributing factors to the Student's retention in the 6<sup>th</sup> grade, the District will place the Student in a District school in the proper corresponding grade level.

**REPORTING REQUIREMENT:** By **August 1, 2015**, the District will provide OCR with applicable documentation demonstrating that the decision has been determined with regard to the Student's grade level.

**Training**

7. By **August 1, 2015**, the District will initiate annual training for Waycross Middle School administrators, faculty and staff involved in the identification, evaluation, and placement of students under Section 504 and Title II on the requirements of Section 504 and Title II.

**REPORTING REQUIREMENT:** By **August 16, 2015**, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the School faculty and staff who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of implementation of IEPs and 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. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a), which were at issue in 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 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**