



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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ATLANTA, GA 30303

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

Resolution Agreement
Walker County School District, GA
OCR Docket # 04-15-1094

The Walker County School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement) to voluntarily resolve the above referenced complaint and to ensure compliance with 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), as amended, 42 U.S.C §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Accordingly, the District voluntarily agrees to take the following actions. This Agreement has been entered into voluntarily by the Walker County School District and does not constitute an admission by the Walker County School District that it is not in compliance with Section 504 or Title II or their implementing regulations, and the District denies violating any Federal statute and the allegations of the above complaint.

Action Item 1 – Student Focused Remedies

By May 30, 2015, after providing proper written notice to the Student, who is 18 years of age, a group of knowledgeable persons, including the Student, will convene an IEP meeting to determine whether the Student requires compensatory and/or remedial services resulting from the forging of the following documents: “7.1 VR Written Consent/Written Decline,” dated March 28, 2013, “Reevaluation/Redetermination Conference,” dated December 19, 2012, and “Special Education IEP/Placement Committee Meeting,” dated April 8, 2014. If so, within 1 week of its determination, 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 District will provide the Student notice of the procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.

Reporting Requirements:

- a. By June 15, 2015, the District will provide supporting documentation showing the group’s decision as to whether compensatory and/or remedial services are needed. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for the 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. If applicable, within 15 days of OCR’s review and approval of the District’s decision and plan for providing the proposed services, the District will offer the services to the Student and submit to OCR a copy of the offer to the Student and any response from the Student to the offer. If the Student accepts the offer for services, by August 31, 2015, the District will provide OCR documentation of the dates, times and locations

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that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Action Item 2 - Training

By August 31, 2015, the District will initiate annual Section 504/Title II training of administrative and teaching staff, including the case managers, at LaFayette High School. The training shall include the general prohibition against disability discrimination and retaliation, and the Section 504 requirements concerning identification, evaluation, placement, and procedural safeguards.

Reporting Requirements:

By August 31, 2015, the District will provide documentation to OCR demonstrating the District conducted training in accordance with Action Item 2. The documentation shall include, at a minimum, the date of the training session, the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the training materials disseminated.

Action Item 3 – Notice to Staff

By August 31, 2015, the District will issue a written statement to all staff at the LaFayette High School involved in the provision of services to students with disabilities through IEPs or Section 504 plans informing staff that the District prohibits employees from falsifying any documents or forging the signatures of anyone, including parents/guardians and students, and that employees who are found to have violated this prohibition will be subject to discipline up to and including dismissal from their employment.

Reporting Requirements:

By August 31, 2015, the District will provide OCR with a copy of this written statement issued to staff at the School along with a list and title of staff who received this written statement.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.36 and 104.61, and Title II, at 28 C.F.R. §§ 35.130 and 35.134, which were at issue in this case.

The District understands that OCR will monitor the implementation of this agreement and 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. §§ 104.36 and 104.61, and Title II, at 28 C.F.R. §§ 35.130 and 35.134, 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.

Superintendent or Designee
Walker County School District

Date