

**Clarksville-Montgomery
Resolution Agreement
Compliance Review #04-10-5003**

The Clarksville-Montgomery School District (District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above referenced compliance review and ensuring compliance with 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 and with 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. The District agrees to implement the actions described below:

Notice to Parents

1. By September 30, 2012, the District will send a notice to the home of each District student through the United States Postal Service (U.S. mail) or email which explains the District's obligation to conduct an evaluation of any student who, because of disability, needs or is believed to need special education or related services. Parents or guardians will be encouraged to address any inquiries to the counselor at their child's school.

Reporting Requirement

- By September 15, 2012, the District will provide to OCR for review and approval a copy of the notice to be sent to parents and guardians pursuant to item 1 above. Additionally, for each District school, the District will provide the total number of notices to be sent by U.S. mail and email.

Section 504 Policy and Procedures

2. By October 31, 2012, the District will submit for OCR's review and approval, new or revised standards and procedures for the evaluation and placement of students who, because of disability, need or are believed to need special education or related services. The policy will specifically address students with health related concerns such as food allergies, asthma and diabetes and other physical or mental conditions which may impact major life activities. The standards and procedures specified in the policy will be applied to all registered students identified by parents, guardians or district staff. The standards and procedures will state that an Individual Health Care Plan (IHCP) may comply with the provisions of Section 504, provided that, where appropriate, students with IHCPs, who are students with disabilities who may need related aids and services, are provided evaluation, placement, and procedural safeguards required by the Section 504 regulation.

The District standards and procedures will, at a minimum, provide for the following:

- A. Upon registration and/or subsequent notification from a parent, guardian or District staff that a student who, because of disability, needs or is believed to need special education or related services, pertinent supporting documentation will be promptly forwarded to the nurse or to the school's Section 504 Coordinator serving the respective school. The nurse or the Section 504 Coordinator will refer the student's documentation to the school's S-Team.
- B. For students who currently have IHCPs, the nurse or the Section 504 Coordinator will refer the documentation of each such student to the S-Team.
- C. For students described in Item 2(A), the S-Team will begin implementation of interventions, if needed, and request additional medical information, if necessary, which the District will obtain at no cost to the parent. If the S-Team concludes that an evaluation is required, it will be conducted by the District's 504 eligibility team at no charge to the parents or guardian.

For students who currently have an IHCP, the S-Team may request additional medical information, if necessary, which the District will obtain at no cost to the parent. If the S-Team concludes that an evaluation is required, it will be conducted by the District's 504 eligibility team at no charge to the parents or guardian.

In determining eligibility under Section 504 and Title II, the District will consider the impact of the student's condition on any of the major life activities set out in the Section 504 and Title II Regulations and the Americans With Disabilities Amendments Act of 2008 (ADAAA). If it is determined that an evaluation is required, the standards and procedures will provide procedural safeguards for the parents or guardian of the student that include notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure.

In making a placement decisions, the District shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; establish procedures to ensure that information obtained from all such sources is documented and carefully considered; ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Reporting Requirements

- By October 31, 2012, the District will provide to OCR for review and approval a copy of its policy and procedures, which it developed in accordance with Item 2,

above. The submission will also include all related forms, including a statement of parental rights and the District's due process procedures.

- D. Within 30 days of OCR's approval of the standards and procedures, the District will develop a procedure to monitor and provide technical support to ensure the implementation of Item 2. In this regard, the District's monitoring will ensure that each student identified as having a health-related condition will be followed from identification through the S-team process, and, where appropriate, evaluation and placement. The District will provide technical support to school personnel through the provision of staff with Section 504 and Title II expertise to serve as resource personnel available to respond to technical questions.

Reporting Requirement

- By December 15, 2012, the District will provide a description of the system of accountability it will use to monitor the identification, evaluation, and placement of students with IHCPs in accordance with the requirements of Section 504 and Title II. The District will include the method it will use to ensure that school staff receives the technical support and assistance they need to carry out their Section 504 and Title II responsibilities.
- By June 30, 2013, and annually thereafter until OCR closes the monitoring of this review, the District will provide to OCR a report that assesses the appropriate implementation and performance of the new system in accordance with the requirements set forth in this Agreement..
- By June 30, 2013, the District will provide a report on the provision of technical support and assistance to school personnel, in accordance with Item 2 above.

Training

- E. Within 60 days of OCR's approval of Item 2 above but prior to implementation, the District will request training from OCR at a District facility at a mutually agreeable time. The mandatory training will be provided to all District administrators, guidance counselors, nurses and other staff involved in the referral, identification, evaluation and placement of students under Section 504 and Title II. The training will address the regulatory requirements of Section 504, Title II and the ADA.

District staff will provide training on the newly developed District policy and procedures.

Reporting Requirement

- Within 30 days of completion of the training provided by District staff on the newly developed District policy and procedures, the District will provide OCR a copy of the training materials and summary of the training.

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 Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the ADA, 42 U.S.C. § 12131 et seq., and its implementing regulations at 28 C.F.R. Part 35.

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 the provisions of the regulation implementing Section 504 at 34 C.F.R §104.3(j), §104.35(a),(b) and (c), and §104.36; the regulation implementing Title II at 28 C.F.R. §35.104, and §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.

/s/

Superintendent or Designee

September 25, 2012

Date