

Resolution Agreement
Shelby County Schools (formerly Memphis City Schools)
OCR Docket Number 04-13-1289

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Shelby County Schools (formerly Memphis City 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. The District agreed to resolve the issues of this complaint pursuant to Section 303 of OCR's Case Processing Manual. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this complaint, the District voluntarily agrees to take the following actions.

Compensatory Education

1. By August 6, 2014, the District will notify the Complainant that, by December 5, 2014, the District intends to provide the XX hours of XXXXXXXX XXXX and XX hours of XXXXXXXX XXXXXXXX owed to the Student based upon the IEP that was in effect for the 2012-2013 school year, and the District will provide these services to the Student.

REPORTING REQUIREMENT: a) By August 8, 2014 the District will submit to OCR a copy of the written notification referenced in Item 1; b) By December 5, 2014 the District will submit to OCR documentation demonstrating that the services specified in this item were provided to the Student.

2. By August 14, 2014, after providing proper written notice to the Student's parents, the District will convene a group of persons knowledgeable about the Student, including the Student's parents, to determine and document the extent to which the Student requires specific remedial and/or compensatory education or related services and any other modifications to address the educational deficits resulting from the Student not receiving 3 XX hours of XXXXXXXX XXXX and XX hours of XXXXXXXX XXXXXXXX during the 2012-2013 school year. In making the determination, the District will comply with the procedures listed in the regulations implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

REPORTING REQUIREMENT: By August 25, 2014 the District will submit to OCR for review and approval documentation of its determination pursuant to Item 2, including but not limited to an explanation for the decision made (including any decision made to provide compensatory education and other services or to not provide the services because they believe that these services are not necessary for the Student), a copy of the meeting notes or similar documentation from the meeting referred to in Item 2 including a list of participants (by name and title), a copy of the meeting notice sent to the Student's

parents, and a copy or summary of the data considered. The District will also provide documentation of any other modification(s) deemed necessary in Item 2.

3. By September 9, 2014, the District will develop a written plan, and, if applicable, will incorporate revisions required by OCR, for providing those specific services referenced in Items 1 and 2 above, including a date of completion. The District will provide the Student's parents with a copy of the plan, as well as written notice of the group's determination and of the District's system of procedural safeguards under Section 504 under which the parents may challenge the determination.

REPORTING REQUIREMENT: By September 17, 2014, the District will submit to OCR a copy of the plan developed to provide the remedial and/or compensatory education or services, if any, to the Student, and documentation that it provided the Student's parents with a copy of the plan, as well as written notice of the determination and the District's system of procedural safeguards under Section 504.

4. By December 1, 2014, the District will provide to the Student the specific services determined to be necessary pursuant to Items 1 and 2.

REPORTING REQUIREMENT: By January 15, 2015, the District will provide documentation to OCR demonstrating that it has completed providing the Student with the remedial and/or compensatory education or services deemed necessary. The documentation must include the dates, times, and locations that services were provided and the name(s) of the service provider(s).

Training

5. By September 27, 2014, the District will initiate annual training to School staff involved in the provision of Section 504 services to students at the School. Training will include the requirements under 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, including the requirement that the District provide those services identified by a student's Section 504 team as necessary to meet the student's disability-related needs.

REPORTING REQUIREMENT: By October 24, 2014, 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 description of the staff who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and evaluation and placement; 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, 104.35, and 104.36, and the Title II implementing regulation at 28 C.F.R. § 35.130.

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 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.

Superintendent or Designee

Date