



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

Resolution Agreement
Metro Nashville School District
OCR Docket Number 04-14-1013

The Metro Nashville District (District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint that was filed 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 (FFA) from the Department, 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. To ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the District agrees to take the following actions:

Manifestation Determination Procedures

1. The District will submit for OCR's review and approval, a proposed procedure that will ensure that manifestation determination decisions by Section 504 Review Committees are made in a timely manner; the Committees will be made up of a group of persons who are knowledgeable about the Student, and the evaluation results; psychological evaluation data or other information related to behavior must be recent enough to afford an understanding of the student's current behavior; information from all sources will be documented and carefully considered; minutes of the meetings will be kept and maintained as part of the manifestation determination; and all persons who are members of the Committees will sign the manifestation determination form indicating whether each agrees or disagrees with the determination. The procedure will provide that decisions by the Committee will be made after all information has been carefully reviewed and considered. The manifestation determination will not be made exclusively by a designated individual.

Reporting Requirement: By **April 30, 2015**, the District will submit the proposed procedure to OCR for review and approval.

2. After approval by OCR, the District will implement its procedure.

Reporting Requirement: Within 30 days after receiving approval of its proposed procedure by OCR, the District will provide evidence of its implementation.

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3. District will provide training to the LEA representative, Section 504, and school administrators and staff who participate in manifestation determinations at McCann Alternative Learning Center on the revisions to the manifestation procedure described above and the Section 504 process requirements at 34 C.F.R. Section 104.35(c).

Reporting Requirement: Within 60 days after receiving approval of its proposed procedure by OCR, the District will send documentation showing implementation of training, including those in attendance.

Student Focused Remedy

4. The District will expunge from the Student's record the incident of February 6, 2013 and the three-day suspension decision related to that incident.

Reporting Requirement: By **April 30, 2015**, the District will submit to OCR evidence that it has expunged from the Student's record the February 6, 2013 incident and the resulting three-day suspension.

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 and Title II.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that it has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II.

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.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or Designee

Date