

Resolution Agreement
Shelby County Schools, Tennessee
Complaint: #04-14-1744

Shelby County Board of Education (District) voluntarily enters into this Resolution Agreement (Agreement) to resolve the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR). In entering this agreement, the District is not admitting that it violated any laws and OCR has made no adverse compliance determination regarding the District's 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), 42 U.S.C. §§12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

The District agrees to take the following actions:

- 1) **No later than September 28, 2018**, the District will provide Section 504/Title II training to the School x x, which should include topics related to disability harassment such as treating students with disabilities differently than students without disabilities in a manner which may single out a student with disabilities in front of their peers.

REPORTING REQUIREMENT: Within thirty (30) days of completing the staff training, the District will submit to OCR the following: a) dated sign-in sheet(s) with the Teacher's printed name and signature for attendance at the training outlined above, b) a copy of all materials distributed at the training, and c) the identity and qualifications of the person/s who conducted the training.

- 2) **No later than September 28, 2018**, the District will provide retaliation training for School staff responsible for X, and District staff responsible for X, including general retaliation principles with examples, as well as the prohibition on making any suggestions or threats that may serve to screen out parents/guardians who have filed disability discrimination complaints against the District, participated in such complaint investigations, and/or have alleged any disability discrimination by the District to the media.

REPORTING REQUIREMENT: Within thirty (30) days of completing the staff training, the District will submit to OCR the following: a) dated sign-in sheet(s) with staff attendees' signatures, printed names and titles for all staff who attended the training outlined above, b) a copy of all materials distributed at the training, and c) the identity and qualifications of the person/s who conducted the training.

- 3) **No later than September 28, 2018**, the District will provide training to the District staff who X regarding its discrimination grievance procedures which clarifies and requires that investigators must interview as

many student witnesses as appropriate under the circumstances of the case being investigated, as well as obtain and analyze comparator treatment evidence, where appropriate.

REPORTING REQUIREMENT: **Within** thirty (30) days of completing the staff **training**, the District will submit to OCR the following: a) dated sign-in sheet(s) with staff attendees' signatures, printed names and titles for all staff who attended the training outlined above, b) a copy of all materials distributed at the training, and c) the identity and qualifications of the person/s who conducted the training.

- 4) **No later than September 28, 2018**, the District will submit to OCR evidence that the District has a single, electronic system for tracking attendance and tardies, to which parents have direct access.

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 at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

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

/s/ _____
Superintendent or designee

8/13/18 _____
Date