

Resolution Agreement
Cheatham County Public Schools, TN
OCR Docket Number #04-15-1442

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Cheatham County Public 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. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to the provisions of Section 504 and Title II.

Accordingly, to ensure compliance with the above-referenced laws and regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Policies and Procedures

1. By **January 30, 2016**, the District will publish its Section 504 policies and procedures so that they are easily searchable on the District's website.

REPORTING REQUIREMENT: With 15 days of publishing the procedures, the District will provide OCR with website link(s) in response to Item #1 above.

Staff Training

2. By **January 11, 2016**, all staff at the XXX who are involved in the provision of services to students with disabilities or who are suspected of having disabilities, including XXXX, will be notified in writing of their obligations under Section 504 and Title II, with specific reference to individualized education and Section 504 plan placements and provisions being made collectively by a group of persons knowledgeable about the student and after consideration of available data.

REPORTING REQUIREMENT: By **January 26, 2016**, the District will provide documentation to OCR demonstrating that the District has disseminated the notice pursuant to the Item #2 above. The documentation shall include: (1) a copy of the notice; (2) the date(s) of the dissemination of the notice; and (3) a description of the method of dissemination of the notice.

3. By **April 29, 2016**, the District will initiate annual training for all staff and faculty, including but not limited to all administrators, counselors, psychologists, and social workers, at the XXXXXinvolved in the identification, evaluation and placement of students with disabilities under Section 504 and Title II. The training will explain the application of

the District's policies and procedures pertaining to evaluation, eligibility determination and placement of students under Section 504 as well as full and complete implementation of any educational plan created under Section 504. The training will also include a prohibition of retaliation.

REPORTING REQUIREMENT: By **May 13, 2016**, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to the Item #3 above. The documentation shall include: (1) the date of the training session(s); (2) a list of names and titles of XXXX employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to Section 504 and the District's policies and procedures; (4) a copy of the agenda and the training materials disseminated; and (5) certification that the materials were provided to any staff unable to attend the training due to an emergency or other excused absence.

School Administrators

4. **By January 11, 2016**, all XXXXX in the District will be reminded in writing that they are not to make pre-determinations without considering the data with a group of persons in the IEP meeting; and that they should be careful not to conduct themselves in a manner that could be perceived to be dictating the outcome of group decisions in IEP meetings. The XXXX will also be cautioned in writing that comments which are perceived to be derogatory on the basis of disability, whether intentional or not, may rise to the level of harassment and, if severe or persistent enough, could create a hostile environment

REPORTING REQUIREMENT: By **January 26, 2016**, the District will provide OCR with documentation to show that each school XXXX received the notice identified in Item #4.

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 regulations.

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 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.33, 104.34, 104.35, 104.36 and Title II and its 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 sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

Superintendent or Designee

Date