



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

61 Forsyth St., Suite 19T10  
ATLANTA, GA 30303

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

**Resolution Agreement**  
**Arlington Community Schools District, TN**  
**OCR Docket # 04-15-1522**

The Arlington Community Schools District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement), pursuant to Section 302 of the *Case Processing Manual*, to voluntarily resolve the above referenced complaint and to ensure 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), as amended, 42 U.S.C §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. This Resolution Agreement has been entered into voluntarily between the parties and does not constitute a finding or admission that the District is in noncompliance with Section 504 or Title II.

**Action Item 1**

By January 15, 2016, the District will evaluate the Student, in accordance with Section 504 and its implementing regulation at 34 C.F.R. § 104.35, and determine the Student's eligibility for regular or special education and related aids and services

**Reporting Requirements:** By January 19, 2016, the District will provide OCR the Student's completed evaluation/eligibility determination report in accordance with Item 1. This report shall include, but is not limited to, the minutes from the evaluation/eligibility determination, the information considered, the participants, a copy of the notice of procedural safeguards provided to the parents, and any other documentation, including a copy of the Student's Section 504 services plan and/or Individualized Education Program, if applicable, resulting from the Student's evaluation/eligibility determination.

**Action Item 2**

By January 29, 2016 if the Student is found eligible to receive regular or special education and related aids and services pursuant to Item 1, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the parents, will convene a placement meeting to determine whether the Student requires compensatory and/or remedial services, dating back to August 20, 2015. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond May 6, 2016. The District will provide the Student's parents notice of the procedural safeguards including the right to challenge the placement team's determination through an impartial due process hearing.

**Reporting Requirements:**

- a. By February 5, 2016, the District will provide supporting documentation showing the group's decision as to whether compensatory and/or remedial services are needed. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for the decisions made,

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

- b. By May 6, 2016, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided if such services were found to be needed. Such information shall include a description of what was provided, and the name(s) of the service provider(s).

### **Action Item 3**

By May 6, 2016, the District will conduct Section 504/Title II training for all teachers and staff involved in the evaluation/eligibility determination process pursuant to Section 504 and Title II. The training shall include the Section 504 requirements concerning identification, evaluation, placement, and procedural safeguards.

**Reporting Requirements:** By May 10, 2016, the District will provide OCR with documentation demonstrating that the District conducted training in accordance with Item 3. This shall include, at a minimum, the date of the training session, the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the training materials disseminated.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case. The District also 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 implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130, 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 sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent or Designee,  
Arlington Community Schools District