

**Resolution Agreement
Metro Nashville County School District
OCR Docket # 09-15-1554**

The Metro-Nashville County School District (District) agrees to implement the following actions in order to resolve the issues raised in Complaint #04-15-1554 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of 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. In agreeing to this Agreement, the District is not admitting to any violations of laws enforced by OCR. Accordingly, to ensure compliance with the above referenced laws and to resolve the issues of this investigation, the District agrees to take the following actions:

Staff Training.

1. By March 1, 2016, and annually thereafter, the District will provide training to all Hunters Grove, Lebanon, and McGovack High School administrators, faculty and staff involved in the oversight for, and/or the identification, evaluation, and placement of students regarding the requirements to provide a free appropriate public education pursuant to Section 504 and Title II, including implementation of related aids and services.

REPORTING REQUIREMENT: By March 1, 2016, the District will provide documentation to OCR demonstrating that the District has conducted its annual training pursuant to this provision of the Agreement. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of District employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

Student Focused Remedies

2. By March 1, 2016, the District will expunge the Student's disciplinary record(s) for any and all discipline that he received from the beginning of the 2013 - 2014 school year until September 12, 2014, as a result of the District's failure to timely evaluate the Student.

REPORTING REQUIREMENT: By May 1, 2016, the District will provide OCR with an updated report of the Student's disciplinary history evidencing that the disciplinary incidents that occurred since the 2013 - 2014 school year are no longer a part of the Student's disciplinary record.

3. By March 1, 2016⁵, the District will convene an IEP meeting for the Student, including the Student's parent(s), to determine what compensatory education or other remedial services the Student requires for the time period the Student was expelled during the 2014-2015 school year. The group will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when, and will become part of the Student's 504 Plan. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENT: a) By June 1, 2016, the District will submit to OCR documentation showing implementation of Action Item 3 above, including a copy of any meeting minutes, a copy of any plan(s) developed for the Student, documentation of any input provided by the Student's parent(s) and showing that procedural safeguards were provided to the Student's parent(s), and any other documentation relevant to the determinations reached in accordance with Action Item 3 above. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for the determination, along with any supporting documentation. OCR will review the documentation submitted 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 June 1, 2016, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

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 and 104.35, 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 and 104.35, and the Title II implementing regulation, 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.

Superintendent or Designee

Date