



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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ATLANTA, GA 30303

REGION IV
ALABAMA
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Resolution Agreement
Clarksville-Montgomery County School District, TN
OCR Docket # 04-16-1029

The Clarksville-Montgomery County School 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. Accordingly, the District voluntarily agrees to take the following actions.

Action Item 1

By February 1, 2016, the District will complete the evaluation of 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 February 1, 2016, the District will provide OCR with documentation showing that it completed the evaluation of the Student and determined her eligibility for regular or special education and related aids and services in accordance with Action Item I. The documentation shall include, but is not limited to, a copy of the evaluation results, the minutes from the evaluation/ eligibility determination, the information considered, the participants, 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 February 15, 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 13, 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 22, 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,

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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, a description of what was provided, and the name(s) of the service provider(s).

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,
Clarksville-Montgomery County
School District