

RESOLUTION AGREEMENT

Shelby County Public Schools (TN) OCR Complaint # 04-16-1134

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Shelby 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.

Accordingly, to ensure compliance with Section 504 and Title II and its implementing regulations and to resolve the issues of this investigation, the District agrees to take the following actions:

Student Focused Remedies/Compensatory Education

By September 30, 2016, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the Student's parents, will convene a Section 504 meeting to determine whether the Student requires compensatory and/or remedial services for the period beginning October 27, 2015 and ending December 1, 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 January 30, 2017. The District will provide the Student's parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. **By October 14, 2016**, the District will provide supporting documentation showing the group's decision as to whether compensatory and/or remedial services, such as tutorial services are needed. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for the decisions made, 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 February 10, 2017**, the District will provide OCR documentation 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).

Training

By December 30, 2016, the District will initiate annual training for District administrators, faculty and staff involved in the creation and implementation of Section 504 Plans. The training shall be provided by a qualified individual with expertise in Section 504 and will include, at minimum, information on Section 504's requirements for the evaluation, identification, and placement of students with disabilities. The training shall specifically address holding a meeting of a group of knowledgeable persons, including the Student's parents, before a significant change in placement or related aids and services to the Student's

IEP occurs; providing advanced notice and assistance to Students' parents regarding Unique Accommodation requests; and the District's requirement to provide notice of procedural safeguards pursuant to Section 504 to the Student and Parent/Guardian.

By August 31, 2017, and annually, thereafter, the District will conduct its regular in-service training for the School staff as described in this item.

Reporting Requirements:

By January 14, 2016, and September 15, 2017, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session(s); (2) a list of names and titles of the School administrators, faculty and staff who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of implementation of Section 504 Plans; and (4) a copy of the agenda and the training materials disseminated.

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(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that it has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a), 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.

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

_____/ s /_____
Superintendent or Designee
Shelby County School District

9-7-16
Date