



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

61 FORSYTH ST., SOUTHWEST, SUITE 19T10  
ATLANTA, GA 30303-8927

REGION IV  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

**RESOLUTION  
AGREEMENT**

**Shelby County  
Schools (TN) OCR  
Docket # 04-16-  
1433**

OCR and the Shelby County School District enter into this agreement to resolve the allegations in the above-referenced complaint. The District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**ACTION ITEM 1**

**Individual Remedy:**

By September 1, 2017, the District will send a letter to the Student's last known address, inviting the parent to re-enroll the Student in the District if he lives within the District's bounds and, upon re-enrollment, to meet with the District to give consent for a comprehensive evaluation for the Student to determine if the Student is eligible to receive related aids and services pursuant to Section 504/Title II. If Complainant agrees and consents to an evaluation, the District will complete the evaluation within 45 days of consent and, after providing proper written notice to the Student's parent,

the District will convene an Individualized Education Program (IEP) meeting or Section 504 meeting for the Student within 60 days of consent with a group of knowledgeable persons, including the Complainant/Parent, to review the evaluation and discuss the Student's needs. The meeting attendees will discuss in detail, with input from the Complainant/Parent: (1) the type of related aids and services the Student presently needs; and (2) whether the Student needs compensatory education for the time missed from school in connection with his 11 day suspension. Prior to the meeting described above, the District will provide the Student's Complainant/Parent with notice of procedural safeguards including the right to challenge the groups' determination through an impartial due process hearing. If compensatory education is deemed necessary, the District will, in writing, offer the education to the Complainant/Parent, detailing how the District will provide the compensatory education to the Student. If the Complainant accepts the compensatory education for the Student, all compensatory education for the Student must be provided within 180 calendar days of the Complainant acceptance.

If the Complainant does not respond to the District's communications described above within 30 days, refuses to return to the District, and/or refuses to consent to evaluate or accept the compensatory education, the District will provide OCR with documentation of its attempts to notify the Complainant of its offer(s) to provide the above.

**Reporting Requirements:**

By November 15, 2017, the District will provide OCR with copies of all of the communications to the Complainant and by December 1, 2017, if applicable, the results of the evaluations and meeting described in Item #1. The documentation submitted shall include documentation showing the participants in the meetings, an explanation of decisions made, the information considered, and a description of the schedule for providing any compensatory and/or remedial services (if any) to the Student.

By June 15, 2018, if compensatory education is deemed necessary and accepted by the Complainant, the District will provide documentation showing that the services were provided.

**ACTION ITEM 2**

**Training:**

By December 15, 2017, the District will provide training to Mitchell High Schools Exceptional Student Education (ESE) and Section 504 Coordinator (s), administrators and other relevant staff who have responsibility for implementing the Districts ESE and Section 504 services for students. The training will consist of an overview of the Section 504 and Title II legal standards regarding FAPE, evaluation, and the prohibition on retaliation.

**Reporting Requirements:**

By January 15, 2018, the District will provide OCR with a written report confirming the completion of training specified in Item #2. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the participants' names and titles who completed the training.

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 §§ 104.33, 104.34, and 104.61, and the Title II implementing regulation 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 and upon reasonable prior notice by OCR, 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 at 34 C.F.R. §§ 104.33, 104.35, 104.61 and the Title II implementing regulation at 28C.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 Agreement will become effective immediately upon the signature of the District's representative below.

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Dorsey P. Hopson, II  
Superintendent

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Date