

McNairy County School District
Resolution Agreement
Complaint #04-16-1447

The U.S. Department of Education, Office for Civil Rights (OCR) and the McNairy County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. The District assures 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.

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

Apology

1. By **August 1, 2017**, the District will issue the parents of the Student who filed Complaint #04-16-1447, a written apology regarding the District's failure to include the Student's individual portrait with his graduating class in the 2015-2016 yearbook.

REPORTING REQUIREMENT: By **September 1, 2017**, the District will provide OCR with documentation to demonstrate that it provided the written apology referenced in Item #1.

Yearbook

2. Upon the effective date of this Agreement, the District will ensure that it publishes all "LRE Students" school pictures on the same page with their respective graduating classes.

REPORTING REQUIREMENT: By **August 1, 2017**, the District will provide OCR with a written assurance that it will publish all LRE Student pictures on the same page with their respective graduating class.

3. Upon the effective date of this Agreement, the District will ensure that it publishes LRE aides on the same yearbook pages as McNairy High School faculty and staff.

REPORTING REQUIREMENT: By **August 1, 2017**, the District will provide OCR with a written assurance that it will publish all LRE aide pictures on the same yearbook pages as the McNairy High School staff and faculty.

Training

4. By **September 15, 2017**, the District will initiate annual training of the McNairy High School Principal, administrators, yearbook advisor, counselors, teachers, 504 coordinators, counselors,

teachers and any other appropriate staff regarding the Section 504 and Title II requirements, including the prohibition of different treatment on the basis of disability.

REPORTING REQUIREMENT: By **October 1, 2017**, the District will provide OCR with documentation that it has provided training in accordance with Item 4; the documentation will include the date(s) of the training; the agenda; a copy of handouts or any PowerPoint materials distributed; the name and qualifications of the individual(s) who provided the training; and the dated sign-in sheets that include the names and titles of the individuals who attended the training.

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. §§ 104.35 and 104.61 and the Title II implementing regulation at 28 C.F.R. §35.130(a). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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. §§1099.9, 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.

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 regulation implanting Section 504 at 34 C.F.R. §104.35 and 104.61 and Title II at 28 C.F.R. §35.130(a) which were at issue in this case.

The Agreement will become effective immediately upon the signature of the District Superintendent or Designee below.

District Superintendent
or designee

Date