

**Resolution Agreement**  
**Johnson City School District, Tennessee**  
**OCR Docket Number 04-16-1481**

The U.S. Department of Education, Office for Civil Rights (OCR) initiated the above-referenced investigation of a complaint against the Johnson City School District (District) pursuant to 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. Prior to the completion of OCR's investigation, the District expressed an interest in resolving the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not issued findings concerning issues of the above-referenced case number. This resolution has been entered into voluntarily between the parties. This Resolution Agreement (Agreement) does not constitute an admission of wrongdoing or liability by the District pursuant to Section 504 or Title II. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issue of this investigation, the District voluntarily agrees to take the following actions:

**Student-Focused Remedy**

- I. **By February 26, 2018**, after providing proper written notice to the Student's parents/guardians, a group of knowledgeable persons, including the parents/guardians of the Student who filed OCR Complaint #04-16-1481, will convene and determine whether the Student needs compensatory education as a result of the October 2015 disciplinary incident and placement of the Student in the Central office for limited educational services. If so, within one 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 April 1, 2018. The District will provide the Student's parents/guardian notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirement**

**By February 26, 2018**, the District will provide documentation to OCR showing that the District convened the meeting required by Item 1 of the Agreement. The District shall produce documentation reflecting all meeting attendees, records of all information and documentation considered or discussed, including, but not limited to, any and all meeting minutes or notes, and an explanation for the decisions made. The District shall also produce a copy of the Student's amended Section 504 plan, if applicable. If the District determines that the Student does not need compensatory educational services, it will also provide OCR with a detailed explanation regarding its determination that the Student did not require compensatory educational services.

**Training**

2. **By February 26, 2018**, the District will provide training to all administrators, faculty, and staff at the School regarding the requirements of Section 504 and Title II related to: (a) convening a Section 504 or IEP meeting, in accordance with the Section 504 implementing regulation at 34 C.F.R. §104.35; (b) implementing existing 504 Plans and IEPs until revised Plans are appropriately adopted; and (c) conducting manifestation reviews.

**Reporting Requirement**

**By February 26, 2018**, the District will provide documentation to OCR demonstrating that the School has conducted the required training. The documentation shall include: (1) the date of the training session(s); (2) dated sign-in sheets that include the names and titles of the School employees who participated in the training session(s); (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504/Title II; and (4) a copy of the agenda, training materials, or PowerPoint slides displayed or 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 and 104.35(d). Upon the 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. §§ 100.8-100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon signature of the Superintendent or designees below.

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Superintendent or Designee  
Johnson City School District, Tennessee

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Date