

Resolution Agreement
Tennessee Division of Vocational Rehabilitation Services
Complaint: #04-16-3012

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Tennessee Division of Vocational Rehabilitation Services (VR) 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 VR requested to resolve the allegations of this complaint pursuant to § 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the VR voluntarily agrees to take the following actions.

Complainant Remedies

- 1) By **January 31, 2017**, the VR will promptly and permanently reassign the Complainant to an experienced VR Counselor who will manage the Complainant's case and assist in providing services to the Complainant, as appropriate under VR policy. The new VR Counselor will be provided access to the Complainant's entire VR file and all documentation therein.

REPORTING REQUIREMENTS: By **January 31, 2017**, the VR will provide OCR with documentation of actions taken for Item 1.

- 2) By **January 31, 2017**, the VR will consider the Complainant for eligibility for an exception to the VR policy limiting the number of semesters of funding for a Bachelor's degree, based on the information in its possession, including the last instance in which an exception was granted. The VR will provide to the Complainant written notification granting or denying the exception. If granting the exception, the notification will also offer to provide the Complainant further funding services to complete his Bachelor's degree, starting retroactively from the date in which VR funding had been stopped earlier this year, and up through the present and continuing so long as the Complainant is in compliance with the minimum GPA, full time credit hours and other VR policy requirements.

REPORTING REQUIREMENTS: By **February 28, 2017**, the VR will provide OCR with documentation of the notification sent to the Complainant as required above, and if an exception is denied, the VR will provide OCR with documentation and explanation of the reasons for the denial.

REPORTING REQUIREMENTS: By **April 1, 2017**, if an exception has been granted to the Complainant, the VR shall provide OCR with documentation of services and funding that has been, or will be, provided to the Complainant, including a breakdown for each service/funding of the date/s such services/funding was applied, or is scheduled to be applied. Or in the alternative, if the Complainant rejects the VR's offer to continue services and funding, written documentation of such communication from the Complainant rejecting such offer shall be provided to OCR.

Staff Training

- 3) By **March 1, 2017**, the VR will provide Section 504 training for the VR Counselor formerly assigned to the Complainant, as well as all VR Field Supervisors for that VR Counselor, on the following topics: VR policies and procedures for assisting clients with disabilities in their educational studies; the consistent implementation of such policy and procedures; how to assist clients with disabilities including ensuring that communications are clear and easy to understand for clients with disabilities to avoid clients with disabilities taking multiple actions such as attending multiple meetings or providing duplicative records when such is not necessary to satisfy eligibility for services/funding, or where such records are available in the VR file already or available from other sources such as the Disability Services Director for the school.

REPORTING REQUIREMENT: By **March 1, 2017**, the VR will submit to OCR a sign-in sheet with names and titles of all staff who attended the Section 504 training outlined above, a copy of all materials distributed at the training, and the identity and qualifications of the person who conducted the training.

The VR 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 VR understands that during the monitoring of this Agreement, if necessary, OCR may visit the VR offices, interview staff and students/clients, and request such additional reports or data as are necessary for OCR to determine whether the VR has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.46 and the Title II implementing regulation at 28 C.F.R. § 35.150.

The VR 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 regulations implementing Section 504 and its implementing regulation at 34 C.F.R. § 104.46 and the Title II implementing regulation at 28 C.F.R. § 35.150.

The VR 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 VR written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This agreement shall not constitute an admission of any wrongdoing or liability on the part of VR, the Tennessee Department of Human Services or the State of Tennessee. This Agreement will become effective immediately upon the signature of the VR's representative below.

/s/

Commissioner or designee

12/15/16

Date