

**Jackson-Madison County School District, Tennessee**  
**OCR Complaint # 04-17-1219**

**RESOLUTION AGREEMENT**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Jackson-Madison County School District (District) enter into this Agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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. Section 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. Sections 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 completion of OCR's investigation, the District agreed to resolve the issues of the investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to resolve the issues of this investigation, the District agrees to take the following corrective actions.

**Student Focused Remedy: Manifestation Determination Review (MDR)**

1. **By August 4, 2017**, the District will convene a meeting with a group of persons, including persons knowledgeable about the Student, the meaning of evaluation data, and the placement options. The District will provide the Complainant with timely notice of the meeting by both certified mail and electronic mail, and make necessary scheduling accommodations to allow the Complainant an opportunity to participate in the meeting. Should the Complainant choose not to participate in the meeting or fail to respond to the District's notice, the District will not be obligated to convene the meeting. If the Complainant chooses to participate, the Complainant will be given the opportunity to present any evidence or other information she feels relevant to the decision of whether the Student's behavior on February 21, 2017, for which he was charged was a manifestation of the Student's disability. The group will also determine if the information considered warrants a change in the decision made in the manifestation determination review on March 2, 2017 for the February 21, 2017 conduct for which the Student was disciplined and remanded to Parkview Learning Center.

**Reporting Requirement:** **By August 18, 2017**, the District will provide OCR with (1) a copy of the notice that was sent to the Complainant informing her of the meeting, including the date the notice was sent and (2) documentation showing the Complainant's response, if any, to the notice. The District will provide OCR with a copy of the names and job titles/positions of the members of the group who participated in the MDR; a copy of all documents considered at the MDR, and the MDR minutes.

- (a) If the group determines that the Student's actions were a manifestation of a disability, the District will expunge the suspension and any related disciplinary action for the February 21, 2017 conduct from the Student's records and the group will determine whether a change in educational placement is needed.

**Reporting Requirement:** By August 18, 2017, *if applicable*, the District will provide OCR documentation showing that the Student's discipline record has been updated and the Complainant has been notified.

- (b) If the group determines that the Student's behavior was a manifestation of his disability, the group will decide whether compensatory education services are needed to compensate the Student for any non-implementation of his Section 504 Plan from February 22, 2017 to March 17, 2017, the duration of his expulsion. If compensatory services are needed, the District will notify the Complainant in writing of the District's offer to provide such services. If the Complainant accepts the offer of services, the District will provide those services by October 27, 2017.

**Reporting Requirement:** By August 18, 2017, the District will submit to OCR the minutes of the meeting held, including a copy of all documents considered during the MDR, in accordance with 34 C.F.R. § 104.35(c), regarding the Student and the determination as to whether compensatory educational services are indicated for the Student and, if applicable, a copy of the notice sent to the Complainant offering compensatory services to the Student.

**Reporting Requirement:** By November 17, 2017, *if applicable*, the District will provide OCR with documentation showing that the compensatory services were scheduled and offered to the Student. The District is under no obligation to reschedule compensatory education services scheduled with the Complainant but not attended by the student without a legitimate reason.

### **Training**

1. **By August 4, 2017**, the District will provide training to the School's administrators and certified personnel regarding the District's responsibilities under Section 504 and Title II, including the District's responsibilities to provide notice to parents of procedural safeguards and conduct MDRs.

**Reporting Requirements:** By August 18, 2017, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate District faculty, staff and administrators from the School. Such documentation shall include (i) the date(s) of the training session(s); (ii) a copy of the agenda of the training; (iii) the

name, position, and credentials of the trainer(s); (iv) an attendance sheet signed by the participants that indicates the names and titles; and (v) a copy of the presentation.

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The District understands that by signing this Agreement, it agrees to provide the foregoing 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 regulations at 34 C.F.R. §§ 104.33, 104.35, and 104.36 and the Title II implementing regulation at 28 C.F.R. § 35.130. 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. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon signature of the District Superintendent or designee below.

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**Superintendent or Designee**  
**Jackson-Madison County School District**

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**Date**

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**Printed Name and Title**