

Resolution Agreement
Clarksville-Montgomery School System
OCR Docket Number 04-17-1398

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Clarksville-Montgomery School System (District) enter into this Resolution Agreement (Agreement) to resolve the issues in the above-referenced complaint and to ensure continued compliance with 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, 28 C.F.R. Part 35. The District agrees to implement the actions described below:

Student Focused Remedy

1. By **November 1, 2018**, the District agrees to remove all disciplinary actions from the Student's disciplinary record relating to incidents involving the Student that took place on or around the school bus from April 1, 2017 to the date of this agreement, including but not limited to a five-day suspension from the bus in August 2017. By **November 1, 2018**, the District will also send a letter to the Complainant stating that all disciplinary incidents identified in this paragraph have been removed from the Student's disciplinary record.

Reporting Requirements:

- a) By **November 15, 2018**, the District will provide OCR with a copy of the Student's disciplinary record that does not contain any reference to bus-related infractions from April 1, 2017 to the date of this agreement as stated above. By **November 15, 2018**, the District will also provide OCR with a copy of the letter to the Complainant described in Paragraph 1.

Section 504 and Title II – Training of District Staff

2. By **January 15, 2019**, the District will provide training for all bus drivers who transport students to and from Barksdale Elementary School (School) regarding Section 504's prohibition on retaliating against students with disabilities.

Reporting Requirement: By **January 31, 2019**, the District will submit documentation to OCR showing that the bus drivers who transport students to and from the School have completed this training. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of District employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504 and Title II; and (4) a copy of the agenda and the training materials 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. OCR will provide the District with written verification of its completion of the reporting requirements. 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 and 104.61, and the Title II implementing regulations at 28 C.F.R. §§ 35.130 and 35.134 which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that 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 and 104.61, and the Title II implementing regulations at 28 C.F.R. §§ 35.130 and 35.134, which were at issue in 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 Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

Superintendent or designee

Date