

**Resolution Agreement  
Shelby County Schools  
OCR Docket Number 04-18-1447**

The U. S. Department of Education (Department), Office for Civil Rights (OCR) and Shelby County Schools (District) enter into this Resolution Agreement (Agreement) to resolve the issues in the above-referenced complaint and to ensure 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 Agreement reflects voluntary actions to be taken by the District to ensure continued compliance with Section 504 and Title II. The District agrees to implement the actions described below:

**Student Focused Remedies**

1. By **September 28, 2018**, after providing proper written notice to the Student's mother, a group of knowledgeable persons, including the Student's mother, will determine whether the Student needs compensatory and/or remedial services as a result of the District's alleged failure to provide appropriate regular and/or special education or related services to the Student during an aptitude test in March 2018, including any education services the Student missed after taking this test. 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 **November 1, 2018**. The District will provide the Student's mother notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

**Reporting Requirements:**

- a) Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services, if any, to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulations implementing Section 504 at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36 in making these determinations.
- b) By **December 1, 2018**, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the names of the service providers.

**Section 504 and Title II – Training of District Staff**

2. By **October 1, 2018**, the District will provide training for all staff members, teachers, and teaching assistants at Central High School (School) regarding the requirements of Section 504 and requirements related to Free Appropriate Public Education (FAPE), including the implementation of Individualized Education Plans (IEPs) and Section 504 plans. The training will include information on the implementation of IEPs and Section 504 plans during aptitude tests and other standardized tests. The training will also include information on the prohibition against retaliation against students and their parents who file complaints of disability discrimination.

Reporting Requirement: By **October 15, 2018**, the District will submit documentation to OCR showing that the staff members, teachers, and teaching assistants identified above 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. 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.

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**Superintendent or designee**

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**Date**