

RESOLUTION AGREEMENT
Knox County Schools (Tennessee)
Complaint Number 04-18-1599

The U.S. Department of Education, Office for Civil Rights (OCR) and the Knox County Schools (District) enter into this Resolution Agreement (Agreement) to resolve the allegation of discrimination on the basis of disability contained in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance or wrongdoing by the District. The District submits to this Agreement to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations, at 34 C.F.R. Part 104, which applies to entities that receive Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulations, at 28 C.F.R. Part 35, which applies to public entities.

Prior to the completion of OCR’s investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR’s Case Processing Manual. Accordingly, to ensure compliance with Section 504 and Title II and resolve the issues in Complaint #04-18-1599, the District agrees to take the following actions:

PROCEDURES FOR TRACKING CORE CLASS ASSIGNMENTS

1. To ensure that students with disabilities in the District’s middle and high schools receive a free and appropriate public education designed to meet their individual educational needs as adequately as the needs of students without disabilities, the District will do the following:
 - a. Continue its practice of utilizing case managers to track the implementation of each student’s educational plan(s) (Individualized Education Programs and/or Section 504 plans)¹(e.g. “placement tracking”) to ensure that each student’s placement comports with his/her plan;
 - b. Conduct an audit of middle and high school students’ educational plans by reviewing a sampling of student records in order to ensure accurate placement of the students, and then document the audit in a report;

¹ 34 C.F.R. § 104.33(a) *General*. A recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap. (b) *Appropriate education*. (1) For the purpose of this subpart, the provision of an appropriate education is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of 104.34, 104.35, and 104.36. (2) Implementation of an Individualized Education Program developed in accordance with the Education of the Handicapped Act is one means of meeting the standard established in paragraph (b)(1)(i) of this section.

- c. Develop procedures to track that the District's students with disabilities receive their core instruction from appropriately qualified teachers (e.g. "teacher tracking"); and
- d. Designate a staff person(s) to ensure that both of the District's tracking procedures are coordinated District-wide.

REPORTING REQUIREMENT: (a) By June 1, 2019, the District will submit to OCR, the procedures drafted pursuant to Provision 1 of this Agreement, along with the name(s) and contact information for the individual(s) assigned to coordinate the District's new procedures.

(b) The District will adopt and implement the procedures after 30 days of submitting the procedures to OCR, unless OCR notifies the District of any required revisions. The District will also publish the revised procedures on the District's website and the *Special Education Department* page at <https://www.knoxschools.org/>; and will also publish the revised procedures in its Employee Handbook. Finally, the District will publicize the name of the designated staff person(s) who will coordinate the District's new procedures.

(c) Within thirty (30) days of publishing the procedures, the District will provide OCR with evidence that the District has published the revised procedures and disseminated the name of the individual(s) who is/are coordinating the District's procedures, including links to the District's webpages.

(d) The District will send to OCR, by August 31, 2019, a copy of its audit report of the random sampling of students' plans, and, if applicable, any steps taken by the District to address any concerns it identifies.

TRAINING

- 2. By August 31, 2019, the District will provide training to middle and high school staff who oversee the assignment of teachers regarding the District's new procedures adopted pursuant to Provision 1 of this Agreement to ensure that such procedures are implemented at each middle and high school. The training will emphasize the process for District staff to monitor the core class assignments for its students with disabilities in the District's middle and high schools to ensure that they are provided in conjunction with the students' educational plans (Individualized Education Programs and/or Section 504 plans). The training will also advise the District staff how to monitor to ensure that the District's students with disabilities receive their core instruction from appropriately qualified teachers. Finally, the training will underscore the reporting process in the event that District staff identifies students with disabilities who are receiving core instruction from teachers who do not have the appropriate qualifications.

REPORTING REQUIREMENT: By September 31, 2019, the District will certify to OCR that appropriate staff received the training. The required documentation will include (i) the background and qualification of the presenter(s)/trainer(s) for each training; (ii) a copy of the

materials used for each training; (iii) the name and title of the staff who attended the training (including dated sign-in sheets with the attendees' names, titles and work locations); and (iv) the total number of staff members not in attendance, and the measures taken by the District to ensure that each of those staff members is provided the training materials and an opportunity to ask questions to clarify the training materials.

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 34 C.F.R. §§ 104.4(b)(1)(iv), 104.33 and 104.34, and 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District representative below.

District Representative

Date

Printed Name and Title