

Resolution Agreement
Roane County School District
OCR Complaint #04-19-1388

The U. S. Department of Education, Office for Civil Rights (OCR) and the Roane County School District (District) enter into this resolution agreement (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 enters into this Agreement to ensure compliance with 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 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, the District voluntarily agrees to take the following actions.

1. By October 15, 2019, the District will provide training to: all Roane County High School administrators, counselors, and other staff members who are responsible for the identification, evaluation, reevaluation, and placement of students, who, due to a disability, are believed to need special education or related services; all District staff members who are responsible for scheduling student evaluations and reevaluations; as well as all District administrators and staff involved with responding to requests from parents or guardians for special education records on the District's responsibilities under Section 504. The training shall be provided by a source with expertise in Section 504 and shall cover, at a minimum: (a) the requirement to reevaluate a student periodically as well as prior to a significant change in placement, in accordance with Section 504, at 34 C.F.R. § 104.35; and (b) the District's obligation to implement, with respect to actions regarding the identification, evaluation, or educational placement of persons, who, because of a disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the person to examine relevant records, and an opportunity to pursue an impartial hearing, in accordance with Section 504, at 34 C.F.R. § 104.36.

REPORTING REQUIREMENT:

Within fifteen (15) days of the completion of the training pursuant to this Item, the District will submit to OCR documentation demonstrating the completion of the training for the appropriate District faculty, staff, and administrators. Such documentation should include the date(s) of the training session; a copy of the agenda of the training; the name, position, and credentials of the trainer(s); an attendance sheet signed by the participants that indicates their names and titles; a copy of the presentation; and the names and titles of staff members not in attendance and the

measures taken by the District to ensure that each was provided the training materials and an opportunity to ask questions to clarify the materials.

2. Within fourteen (14) days of the signing of this Agreement, the District will send the Complainant a letter, via certified mail (return receipt requested), providing her the opportunity to review the Student's relevant special education records. In this correspondence, the District will notify the Complainant of the names and contact information of the individuals who she may contact to schedule a mutually agreeable time and place with the District for the Complainant to review these records. The District will also advise the Complainant in this correspondence to notify District staff of which records she is seeking to review in advance of reviewing them. The District will make available for review the Complainant's requested records, which the District has in its possession, at the agreed-upon time and location.

REPORTING REQUIREMENT:

Within fifteen (15) days of sending the letter to the Complainant pursuant to this Item, the District will submit to OCR a copy of the Complainant's letter.

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. 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 and obligations of this Agreement. Upon completion of the commitments under this Agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) or regulation(s). Before initiating such proceedings, OCR will 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 signature of the Director of Schools or Designee below.

Director of Schools or Designee
Roane County School District

Date