

**Resolution Agreement
Hawkins County School District (Tennessee)
OCR Docket # 04-19-1516**

The U.S. Department of Education, Office for Civil Rights (OCR) and Hawkins 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 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.

ACTION ITEM 1

Individual Remedy:

No later than **October 21, 2019**, the District will offer the Student's parent/guardian, in writing, a consent form to conduct a comprehensive evaluation for the Student to determine if the Student is eligible to receive related aids and services pursuant to Section 504/Title II. If the Student's parent/guardian provides consent for the evaluation, **within 14 calendar days** of the completion of the evaluation, after providing proper written notice to the Student's parent, the District will convene a meeting for the Student with a group of knowledgeable persons, including the Student's parent/guardian to discuss the results of the evaluation and eligibility for special education services. If the Student is eligible to receive services, an IEP or Section 504 team will develop an IEP or 504 Plan to reflect the related aids and services needed by the Student. The District will provide the parent/guardian with a meaningful opportunity to provide input into these determinations and notice of the determinations made. Upon any determination of eligibility (either eligible or ineligible), the District will provide that determination in writing to the Student's parent/guardian along with the notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a) By **January 15, 2020**, the District will provide OCR with a copy of the psychoeducational evaluation.
 - i. If the District determines that the Student is eligible for special education services, the District will provide, **within 30 calendar days of the first IEP or Section 504 meeting**, a copy of the IEP or Section 504 plan and meeting minutes.
 - ii. If the Student is determined ineligible for special education services, the District will provide a copy to OCR of the written determination of

ineligibility along with a copy of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing by **December 1, 2019**.

ACTION ITEM 2

Compensatory Educational Services:

By **December 1, 2019**, if the Student is determined to be a student with a disability, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services as a result of the District's failure to provide appropriate special education related services. If determined necessary, within 1 week of that determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend past 180 days of the date of determination. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirement:

Within 2 weeks of a 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 were determined necessary) to the Student.

If compensatory and/or remedial services were determined necessary, by **August 15, 2020**, 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 name(s) of the service provider(s).

ACTION ITEM 3

Training:

By **February 15, 2020**, the District will provide training to XXXXXX School administrators and staff involved in the provision of a free and appropriate public education (FAPE) to students regarding identifying, evaluating, developing and implementing students' IEP and Section 504 plans.

Reporting Requirements:

By **March 10, 2020**, the District will provide OCR with a written report confirming the completion of training specified in Action Item 3. The documentation shall include: (1) the background and qualifications of the presenters/trainers; (2) a copy of the transcript(s)/materials used for the training; and (3) a list of the participants' names and titles who completed the training.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the 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 the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and 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 below.

Superintendent or Designee's Signature
Hawkins County School District

Date

Printed Name and Title, if signed by Designee