

RESOLUTION AGREEMENT
Tennessee School for the Deaf
OCR Complaint #04-19-4019

Tennessee School for the Deaf (TSD) agrees to resolve the above referenced complaint by entering into this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the TSD. The TSD assures the Office for Civil Rights (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. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the U.S. Department of Education (Department); and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Prior to the completion of OCR's investigation, the TSD agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual by taking the following actions.

Student Focused Remedies

Item 1: Re-enrollment Invitation

By January 15, 2020, the TSD will send the Complainant a letter notifying them that if the Student wishes to return to TSD, his current IEP team and Local Education Agency (LEA) determine this is his appropriate placement, and the Student meets TSD's eligibility criteria required under state law, then TSD invites him to re-enroll. In this letter, TSD will assure the Student it will evaluate his eligibility for readmission impartially and will also affirm its commitment to providing students a free and appropriate public education (FAPE) in an educational environment free from discrimination and retaliation. If the student seeks to re-enroll and is denied, they will receive a copy of notice of their procedural safeguards and due process rights and will retain the ability to file a complaint with the Tennessee Department of Education or notify OCR of an alleged breach of this Agreement.

Reporting Requirements:

By January 31, 2020, the TSD will provide copies of the letter to OCR and copies of any correspondence from the Complainant or Student in response.

Procedural Remedies

Item 2: Training

By May 31, 2020, the TSD shall develop and provide training for all administrators at the school involved in Section 504 and IEP student evaluations. The training, at a minimum, will emphasize TSD's responsibilities with respect to Section 504 and Title II's prohibitions against retaliation.

Reporting Requirements:

By June 15, 2020, the TSD will submit a report to OCR describing the training provided, as required by Item 2.

The TSD 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 resolution agreement. Further, the TSD understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the TSD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the TSD has fulfilled the terms and obligations of the resolution agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.61, and the regulations implementing Title II at 28 C.F.R. § 35.134.

Upon the TSD's satisfaction of the commitments made under the Agreement, OCR will close the case.

The TSD 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 TSD 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 TSD's Authorized Official or designee below.

XXXXXXXXXX
Superintendent
or Authorized Official
Tennessee School for the Deaf

12/20/2019
Date

RESOLUTION AGREEMENT
Lauderdale County School District
OCR Complaint #04-19-4019

Lauderdale County School District (District) agrees to resolve the above referenced complaint by entering into this Resolution Agreement (Agreement). The District assures the Office for Civil Rights (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. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the U.S. Department of Education (Department); and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. This Agreement does not constitute an admission of liability, non-compliance with statutes or regulation, or wrongdoing by the District.

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 by taking the following actions.

Student Focused Remedies

Item 1: IEP Reevaluation

By January 15, 2020, the District, after providing proper notice to the Student's parent/guardian, shall convene a Section 504/IEP Team (Team) meeting for the Student, to include a group of knowledgeable persons, consisting of the parent, student, and other appropriate members to consider whether any Individual Education Program (IEP) tutoring services have not been provided for the Student since his enrollment in schools at the District in or around April of 2019. The IEP team will consider whether any missed tutoring services impacted or denied the Student's receipt of a free and appropriate public education (FAPE), and if so, will develop a plan for providing timely compensatory with a completion date not to extend beyond May 1, 2020. The District will provide the Students and their parent/guardian notice of the procedural safeguards including the right to challenge the Team's determination through an impartial due process hearing regardless of the determination made by the Team.

Reporting Requirements:

Within 2 weeks of the meeting referenced above, the District will submit to OCR documents showing the group's decision. If the Team determines that steps should be taken, e.g. providing compensatory educational or tutoring services, the documents should include a timeline for completion of each step. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.35, in making these determinations and has met its obligations to provide the Student with equal access and an equal opportunity in these courses.

By May 31, 2020, the District will provide documentation to OCR of the dates, times and locations that compensatory services were provided (if any), a description of what was provided, and the name(s) of the service provider(s). Documentation will also include an explanation of the decisions made by the meeting participants and copies of any compensatory educational services plans.

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 resolution agreement. Further, the District understands that during the monitoring of the resolution 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 resolution agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.33, and the regulations implementing Title II at 28 C.F.R. § 35.130.

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 the signature of the District's Authorized Official or designee below.

XXXXXXXXXX
Superintendent
or Authorized Official
Lauderdale County School District

12/27/2019
Date