

RESOLUTION AGREEMENT
Cheatham County School District
04-20-1359

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of a complaint against Cheatham County School District (the District) pursuant to 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 asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. OCR has made no determinations of noncompliance by the District, and this Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District pursuant to Section 504, or Title II. Accordingly, to ensure compliance with Section 504, and Title II and to resolve this complaint, the District voluntarily agrees to take the following actions:

- 1) **Section 504 Meeting:** By December 31, 2020, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student (the Group), making reasonable efforts to include the parent/guardian, with the purpose of considering whether the Student requires compensatory and/or remedial services for the time period from the beginning of the 2019 school year to December 6, 2019. If the Group determines compensatory services are appropriate, the Group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 30, 2021. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the Group's determination through an impartial due process hearing to ensure that the District meets the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

Reporting Requirements:

- a) Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services, if any, to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of Section 504 and Title II.

b) By June 30, 2021, 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, if any, and the name(s) of the service provider(s).

2) **Training.** By May 31, 2021, the District will develop and provide training regarding the District's obligations pursuant to the regulation implementing Section 504, at 34 C.F.R. § 104.4 at Peagram Elementary School (School) staff, which must include, but is not limited to, School administrators and teachers. The training, which may be provided by digital instruction, will include, but not limited to, an explanation of the prohibition against treating students with disabilities differently than non-disabled students, and that the exclusion of or discouraging of students with disabilities from attending field trips is prohibited.

Reporting Requirement: Within fifteen (15) calendar days of conducting the training described in Paragraph 1, the District will provide to OCR the name(s) and credentials of the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials, etc.).

3) **Notice of Section 504 Coordinator:** The District will review and revise the notice of its Section 504/Title II compliance officer in the School's Handbook, to ensure that the District is compliant with the regulations implementing Section 504 at 34 C.F.R. §§ 104.7(a) and 104.8, and Title II at 28 C.F.R. § 35.106.

Reporting Requirement: By December 31, 2020, the District will provide OCR with documentation of the revisions to the School Handbook pursuant to 3 above. The Supporting documentation will include 1) weblinks to the School's Handbook (for 2020-2021 school year as available on the District's website), or 2) other similar documents clarifying the changes to the Section 504/Title II Coordinator in the School's Student Handbook.

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, District understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms and obligations of the resolution 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 recipient 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 representative below.

By: _____/s/_____ Date: _____10/2/2020_____

Catherine Beck, Director of Schools