

**Resolution Agreement  
Trigg County Public Schools  
OCR Complaint #03131171**

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35, and the retaliation provision of Title VI, the Trigg County Public Schools (the District) voluntarily enters into this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

The District voluntarily makes the following commitments to OCR:

1. The District recognizes and affirms its obligation under 34 C.F.R. § 104.35(a) to conduct an evaluation of any student with a disability who needs special education or related services before taking any action with respect to any significant change in the student's educational placement. Preplacement evaluations shall comply with the requirements set forth in 34 C.F.R. § 104.35 (b) and (c). The District also acknowledges that, when a disciplinary exclusion from school results in a significant change of placement for a student, the preplacement evaluation must include a determination of whether the behavior for which the student is being excluded is a manifestation of his or her disability. By December 31, 2013, the District will disseminate a memorandum to all instructional staff, disciplinary staff, and administrators in the District reminding them of these obligations.
2. By December 31, 2013, the District will review, and if necessary revise, its policies and procedures to ensure that they provide for the following:
  - (a) The District will conduct an evaluation consistent with 34 C.F.R. § 104.35(b) prior to taking any action with respect to a significant change in a student's educational placement. Disciplinary actions which either exclude a student with a disability from school for more than 10 consecutive school days in a given school year or which creates a series of suspensions that in the aggregate are for more than 10 school days are considered to be a significant change in placement.
  - (b) The District will make placement decisions for students with disabilities, including placement decisions related to a student's behavior, consistent with the requirements of 34 C.F.R. § 104.35(c) and provide notice of its procedural safeguards pursuant to 34 C.F.R. § 104.36.
  - (c) The District will monitor disciplinary exclusions of students with disabilities from the classroom within a given school year to enable District staff to determine when such exclusion constitutes a significant change in placement.

(d) The District will initiate evaluations and manifestation determinations for students with disabilities who receive disciplinary exclusions constituting significant changes in placement.

3. Within 30 days of OCR's approval of the District's policies and procedures referenced in Commitment #3 above, the District will provide training to all relevant instructional staff and administrators regarding the approved policies and procedures.
4. By December 31, 2013, the District will convene an Admissions and Release Committee (ARC) team meeting to determine whether XXX XXX XXXXXXXX (the Student) suffered any educational loss due to the District alleged failure to evaluate the Student prior to making a significant change to XXX educational placement. In making this determination, the ARC will adhere to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). The District will invite the Complainant to attend the ARC meeting at least fifteen (15) days in advance of the meeting, unless the Complainant agrees to waive this requirement.
5. Within 15 calendar days of the meeting described in Commitment #4 above, the District will provide the Complainant with written notice, via certified mail, of the outcome of the meeting, including (if applicable): a description of any educational loss, a description of any compensatory educational services to be provided, and the appropriate beginning and ending dates for these services, as applicable. If compensatory educational services are determined to be necessary for the Student, the District will inform the Complainant that she must respond to the offer within fifteen (15) calendar days. The notice will also inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36.
6. If compensatory services are warranted, and the Complainant accepts the District's offer, the District agrees to begin providing the services within fifteen (15) calendar days from the date of its receipt of the Complainant's acceptance of the District's offer, unless such services are only available during the regular school term or from private providers whose services are not available within that time, in which case, the services shall begin as soon as the school term begins or the provider is available. The compensatory education program shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program.

**Reporting Requirements:**

7. By January 14, 2014, the District will provide OCR with:
  - (a) a copy of the memorandum sent to all instructional staff, disciplinary staff, and administrators pursuant to Commitment # 1, including the names and titles of all recipients of the memorandum and the District's method of distribution.

- (b) A copy of the procedures that were reviewed and/or revised pursuant to Commitment #2.
  - (c) Documentation demonstrating the District’s compliance with Commitments #4-6, including: a) a copy of the invitation to the multidisciplinary team meetings sent to the Complainant; b) meeting minutes from the multidisciplinary team meeting; c) a copy of the notice sent to the Complainant informing her of the outcome of the multidisciplinary team meeting and any offers of compensatory education, as applicable; and d) a copy of the procedural safeguards provided to the Complainant.
9. Within 45 days of OCR’s approval of the policies and procedures revised pursuant to Commitment #2, the District will provide OCR with documentation of the training required by Commitment #3, including the names and title of all instructional staff, disciplinary staff, and administrators who attended the training, the name and title of the person(s) conducting the training, and a copy of the training materials that were used.

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the provisions of Section 504, Title II, and Title VI, which are applicable to this complaint.

The District shall provide data and other information in a timely manner. During the monitoring of this Agreement, 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 complied with the terms of this agreement and the provisions of Section 504, Title II, and Title VI, which are applicable to this complaint.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/  
\_\_\_\_\_  
Superintendent and/or designee  
Trigg County Public Schools

10/25/2013  
\_\_\_\_\_  
Date