

**Resolution Agreement
Haywood County Schools (TN)
OCR Complaint # 04-15-1351**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Haywood County Schools (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131, *et seq.*, and its implementing regulation, 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 District asked to resolve the issues of this investigation. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Student Focused Remedies

1. By **October 30, 2015**, after providing proper written notice to the Student's parents, the District will convene an IEP committee meeting for the Student, consisting of a group of knowledgeable persons, including the parents, to determine whether the Student needs services under Section 504 and/or IDEA, including, but not limited to, behavioral intervention (development of a Functional Behavioral Assessment (FBA)/Behavioral Intervention Plan (BIP)).
2. By **November 7, 2015**, if the Student is determined to need services under Section 504 and/or IDEA, the District will develop a plan to provide a free appropriate public education to the Student based on his individual educational needs. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parents notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **November 15, 2015**, 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, a copy of the Student's evaluation report, a copy of the minutes of the meeting held to determine whether the Student is needs additional services to meet his individual educational needs, and a description of the services that will be provided to the Student, if such services are determined to be necessary.

Student Focused Remedies/Compensatory Education

3. By **October 30, 2015**, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the parents, will determine whether the Student needs

compensatory and/or remedial services for the period from the beginning of the 2014-2015 school year to January 21, 2015.

4. By **November 7, 2015**, if the group determines that compensatory and/or remedial educational services are needed, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **June 30, 2016**. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **November 15, 2015**, 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) to the Student.

5. By **June 30, 2016**, the District will provide any compensatory services referenced in Item 4 above.

REPORTING REQUIREMENT: By **July 15, 2016**, the District will provide OCR with applicable documentation demonstrating that the services were provided.

Student Focused Remedies/Bullying & Harassment

6. By **October 30, 2015**, the District will take steps to prevent recurrence of any disability-based harassment and remedy discriminatory effects on the Student, including the development of a Safety Plan.

REPORTING REQUIREMENT: By **November 15, 2015**, the District will provide OCR with documentation demonstrating that it developed a safety plan.

Training

7. By **December 31, 2015**, the District will initiate annual training of the XXXXXXXX School administrators, faculty and staff involved in the implementation of Section 504 Plans and IEPs, regarding the requirements of 504 and Title II.

REPORTING REQUIREMENT: By **January 15, 2016**, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the School faculty and staff who participated in the training session; (3) a description of the presenter's background and qualifications with

respect to knowledge of implementation of IEPs and Section 504 and Title II; and (4) a copy of the agenda and the training materials disseminated.

8. By **December 16, 2015**, the District will initiate annual training for all students at the District's middle and high schools regarding bullying and harassment, including harassment on the basis of disability.

REPORTING REQUIREMENT: By **January 15, 2016**, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of total number of students, by each grade level, who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of bullying and harassment based on disability; and (4) a copy of the agenda and the training materials disseminated.

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 of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504 implementing regulation at 34 C.F.R. § 104.33(a) and (b)(1), and the Title II implementing regulation at 28 C.F.R. § 35.130(a), which were at issue in this case.

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

Superintendent or Designee

Date