

**Memphis City School District
Resolution Agreement
Compliance Review #04-10-5002**

The Memphis City School District (District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above referenced compliance review and ensuring compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et. seq.*, and its implementing regulation at 34 C.F.R. Part 100; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and with 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. The District agrees to implement the actions described below:

1. By January 15, 2012: The District will utilize its Robo Phone Calling System (Robo Call) to provide notice to the home of each District student explaining the District's obligation to evaluate students with "health related concerns" (as defined below) to determine the student's eligibility as defined by Section 504 and Title II. Parents or guardians will be encouraged to address any inquiries to the counselor at their child's school.

Reporting Requirement

- By February 15, 2012: the District will provide a copy of the Robo Call script used to provide parental notice pursuant to item 1 above.
2. The District will provide a written notification to parents at the time of registration for the 2012-2013 school year explaining the District's obligation to evaluate students with "health related concerns" to determine the student's eligibility as defined by Section 504 and Title II. Parents or guardians will be encouraged to address any inquiries to the counselor at their child's school.

Reporting Requirement

- By September 15, 2012, the District will provide OCR a copy of the notification provided parents at registration pursuant to item 2.

Section 504 Policy and Procedures

3. By February 15, 2012: the District will submit for OCR's approval, a new or revised policy and procedures to ensure the proper and prompt identification, evaluation and placement of students with disabilities as defined by Section 504 and Title II. The policy will specifically address students with health related concerns such as food allergies, asthma and diabetes and other physical or mental conditions which may impact major life activities. The procedure specified in the policy will be applied to all registered students, who are identified by parents,

guardians or district staff as having a health issue, or other physical or mental condition.¹
The District policy and procedure will, at minimum, provide for the following:

- A. Upon registration, and or subsequent notification from a parent², guardian or District personnel that a student has a health-related condition, pertinent supporting documentation will be promptly forwarded to the nurse serving the respective school. The nurse will immediately determine if sufficient documentation is presented to develop an individual health care plan (IHCP) or to refer the student to the School's Section 504 Coordinator.
- B. Each school will convene a team comprised of the nurse, and other appropriate school or District staff to review the record of each student with an identified health condition, including students with IHCPs, or who are monitored regularly by a school nurse, or who self monitor. This screening process will identify students to refer to the Student Support Team (S-Team).
- C. The S-Team will begin the implementation of interventions, requesting additional medical information, if necessary, which the District will obtain at no cost to the parent. If the S-Team concludes that an evaluation is required it will be conducted by the District's 504 eligibility team at no charge to the parent. In the case of a student with an IHCP, the District procedure will include a determination of whether the student's condition meets the definition of a disability as set forth in the Section 504 and/or the Title II implementing regulation. The procedure will provide for parental or guardian involvement and parents/guardians will be provided a statement of their rights, including the right to a due process hearing with respect to any evaluation, eligibility, or placement decision.
- D. In determining eligibility under Section 504 and Title II, the District will consider the impact of the student's condition on any of the major life activities set out in the Section 504 and Title II Regulations and the Americans With Disabilities Amendment Act of 2008 (ADAAA). The District procedure will require development and implementation of a plan designed to meet the student's individual needs and that affords the student an equal opportunity to benefit from the District's educational program. The plan must be developed consistent with the procedures set forth in 34 C.F.R. §§ 104.35 and 104.36, and parents/guardians must be afforded an opportunity to participate in its development and raise objections through the due process procedures.

Reporting Requirement

- By February 15, 2012: the District will provide a copy of its policy and procedures, which it developed in accordance with Item 3, A through D above. The submission

¹ Implementation of the District's identification, evaluation and placement process in compliance with the Individuals with Disabilities Education Improvement Act, satisfies the requirements of Section 504 and Title II.

² As mentioned in 2C. below, if parents do not have pertinent documentation, the District will obtain any needed medical information at no cost to the parent.

will also include all related forms, including a statement of parental rights and the District's due process procedures.

4. Within 30 days of OCR's approval of the policy and procedures submitted under item 3 above, the District will develop a procedure to monitor and provide technical support to ensure the implementation of Item 3. In this regard, the District's monitoring will ensure that each student identified as having a health-related condition will be followed from identification through screening, the S-team process, and where appropriate, evaluation and placement. The District will provide technical support to school personnel through the provision of staff with Section 504 and Title II expertise to serve as resource personnel available to respond to technical questions.

Reporting Requirement

- By February 15, 2012, the District will provide a description of the system of accountability it will use to monitor the identification, evaluation, and placement of students in accordance with the requirements of Section 504 and Title II. The District will include the method it will use to ensure that school staff receives the technical support and assistance they need to carry out their Section 504 and Title II responsibilities.
- By June 30, 2012, the District will provide a report reflecting the number of students with Section 504 Plans or IHCPs, by race and disability for the 2012-2013 school year, for each school in the District to include aggregate totals.
- By August 30, 2012, the District will provide a report demonstrating the implementation of the system of accountability, and the provision of technical support and assistance to school personnel, in accordance with Item 4 above.

Training

5. Within 60 days of OCR's approval of Items 3 and 4 above but prior to implementation, the District will request training from OCR at a District facility at a mutually agreeable time. The mandatory training will be provided to, all Regional Superintendents, Directors or their designees, school based principals and assistant principals, professional school counselors, nurses and other staff, including teachers, involved in the referral, identification, evaluation and placement of students under Section 504 and Title II. The training will provide an overview of the Regulatory requirements of Section 504, Title II and the ADA. District staff will provide annual training on the newly developed District policy and procedures.

Reporting Requirement

- Within 30 days of completion of the training provided by District staff on the newly developed District policy and procedures, the District will provide OCR a list of District staff, by name and title, who attended the training and a copy of the training module.

Memphis City School District Resolution Agreement

Page 4

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 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the ADA, 42 U.S.C. § 12131 et seq., and its implementing regulations at 28 C.F.R. Part 35.

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 the provisions of the regulation implementing Section 504 at 34 C.F.R §104.3(j), §104.35(a),(b) and (c), and §104.36; the regulation implementing Title II at 28 C.F.R. §35.104, and §35.130(a); and the regulation implementing Title VI at 34 C.F.R. §100.3 which were at issue in this case.

/s/

Superintendent or Designee

January 19, 2012

Date