

OCR Complaint No. 01-14-1109
Milford School District
Resolution Agreement

The Milford School District (District) agrees to take the following actions to resolve the above-referenced complaint as investigated by the U.S. Department of Education's Office for Civil Rights (OCR). OCR investigated this complaint pursuant to its jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulations found at 28 C.F.R. Part 35 (Title II).

I. Actions

1. By June 1, 2014, the District will revise and submit for OCR's approval its Section 504 internal grievance and due process hearing procedures. The revised policies and procedures will:
 - a. Clarify that internal grievance procedures and due processing hearing procedures are separate and distinct processes and which issues are appropriate for each.
 - b. Specify the rights and procedural steps for each.
 - c. Ensure that parent/guardians/students have the right to a Section 504 impartial hearing without going through a grievance procedure, mediation, and or the Board of Education.
 - d. Clarify that any informal process in either procedure is entirely voluntary and may be ended for the formal process at any point.
 - e. Ensure that the hearing process provides parents/guardians/students with the right to inspect records, a right to participate and be represented by counsel, and a review procedure.

2. By September 15, 2014, the District will provide OCR with documentation it has completed the following steps:
 - a. Provided notice of these policies to all parents/guardians of students on 504 plans.
 - b. Published these policies in-print and online.
 - c. Provided training to relevant staff who are involved in these processes.

II. Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this case.

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 Section 504 and Title II, which was at issue in 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.

For the Milford School District:

/s/ Robert A. Suprenant
Superintendent

4/29/14
Date