

Resolution Agreement

OCR Complaint Nos. 01-15-1244 & 01-16-1123
School Administrative Unit 70, Dresden School District
Complainant: XXXXXX
Student: XXXXXX

To resolve Complaint Nos. 01-15-1244 and 01-16-1123 filed with the U.S. Department of Education, Office for Civil Rights (OCR) alleging disability discrimination, School Administrative Unit 70, Dresden School District (District) agrees to implement this Resolution Agreement to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35 (Title II).

Action Item 1:

By **January 15, 2018**, the District will revise its Nondiscrimination Policy. The policy of nondiscrimination shall prohibit retaliation consistent with the requirements of 34 C.F.R. Section 104.61 and 28 C.F.R. § 35.134.

Reporting Requirement:

- (a) By **January 15, 2018**, the District will submit its revised Nondiscrimination Policy to OCR for its review and approval.
- (b) **Within 20 days** of OCR's approval, the District will submit the revised Nondiscrimination Policy to the Dresden School Board (Board) for approval and will take all steps necessary to ensure that the Nondiscrimination Policy is promptly approved by the Board; and within 20 days of the Board's approval, the District will provide OCR with (i) a link to the online version of its revised Nondiscrimination Policy; and (ii) documentation demonstrating that the revised Nondiscrimination Policy has been disseminated to staff and has been made publicly available to students, parents/guardians, and other interested parties via the District's Policy webpage.

Action Item 2:

By **January 15, 2018**, the District will revise its Policy for Nondiscrimination on the Basis Of Disability: Section 504 regarding the definition of major life activities and the provision of a Free and Appropriate Public Education (FAPE). The policy of nondiscrimination shall include the list of major life activities consistent with the requirements of the Americans with Disabilities Act Amendments Act of 2008; 34 C.F.R. § 104.3; and 28 C.F.R. § 35.130. The Policy for Nondiscrimination on the Basis Of Disability: Section 504 shall require an appropriate education designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and are based upon adherence to procedures that satisfy the requirements of 104.34, 104.35, and 104.36 consistent with the requirements of 34 C.F.R. § 104.33.

Reporting Requirement:

- (c) By **January 15, 2018**, the District will submit its revised Policy for Nondiscrimination on the Basis Of Disability: Section 504 regarding major life activities to OCR for its review and approval.

- (d) **Within 20 days** of OCR’s approval, the District will submit the revised Policy for Nondiscrimination on the Basis of Disability: Section 504 to the Board for approval and will take all steps necessary to ensure that the Policy for Nondiscrimination on the Basis of Disability: Section 504 is promptly approved by the Board; and within 20 days of the Board’s approval, the District will provide OCR with (i) a link to the online version of its revised Policy for Nondiscrimination on the Basis Of Disability: Section 504 regarding the definition of major life activities and provision of FAPE; and (ii) documentation demonstrating that the revised Policy for Nondiscrimination on the Basis Of Disability: Section 504 regarding the definition of major life activities and provision of FAPE has been disseminated to staff and has been made publicly available to students, parents/guardians, and other interested parties via the District’s Policy webpage.

Action Item 3:

By **January 15, 2018**, the District will revise its Homebound Instruction Policy regarding the provision of homebound instruction to students unable to attend school due to extended illness or injury. The policy of nondiscrimination shall require the provision of homebound instruction designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and are based upon adherence to procedures that satisfy the requirements of 104.34, 104.35, and 104.36 consistent with the requirements of 34 C.F.R. § 104.33.

Reporting Requirement:

- (e) By **January 15, 2018**, will submit its revised Homebound Instruction Policy to OCR for its review and approval.
- (f) **Within 30 days** of OCR’s approval, the District will provide OCR with (i) a link to the online version of its revised Homebound Instruction Policy; and (ii) documentation demonstrating that the revised Homebound Instruction Policy has been disseminated to staff and has been made publicly available to students, parents/guardians, and other interested parties via the District’s Policy webpage.

Action Item 4:

By **January 15, 2018**, the Hanover High School (School) will revise its Handbook regarding Individualization of classes. The School Handbook shall require Individualization decisions to be made for each student with a disability based on an individualized determination consistent with the requirements of 34 C.F.R. §§ 104.4(a)-(b); 104.33; and 28 C.F.R. § 35.130.

Reporting Requirement:

- (g) By **January 15, 2018**, the District will submit its revised School Handbook regarding Individualization to OCR for its review and approval.
- (h) **Within 60 days** of OCR’s approval, the District will provide OCR with (i) a link to the online version of its revised School Handbook regarding Individualization and (ii) documentation demonstrating that the revised portion of the School Handbook regarding Individualization has been disseminated to staff and has been made publicly available to students, parents/guardians, and other interested parties via the online version of the School Handbook.

Monitoring

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b), 104.33, and 104.61 and Title II, at 28 C.F.R. §§ 35.130 and 35.134, 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. Upon completion of the obligations under this Agreement, OCR shall close the above-referenced cases.

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 regulation implementing Section 504, 34 C.F.R. §§ 104.4(a) and (b), 104.33, and 104.61 and Title II, at 28 C.F.R. §§ 35.130 and 35.134, 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 proceeding 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.

This agreement will become effective immediately upon the signature of the District's representative below.

/s/ Jay Badams
Superintendent

12/12/17
Date