

**RESOLUTION AGREEMENT**  
**MSAD 31**  
**OCR Complaint Nos. 01-15-1008 & 01-17-1025**

The MSAD 31 (District) has voluntarily entered into this resolution agreement (Agreement) to resolve the allegations in the above-referenced complaints. This Agreement does not constitute an admission that the District is not in compliance with Section 504 or Title II or their implementing regulations. Prior to the completion of OCR's investigation, the District agreed to resolve these complaints pursuant to Section 302 of OCR's *Case Processing Manual*. The District assures that it will take the following actions.

**ACTION ITEM 1: SECTION 504 GRIEVANCE PROCEDURES**

- a. The District will review its Section 504 grievance procedures and any related policies and procedures addressing disability harassment, and revise where necessary to ensure compliance with the requirements of Section 504 and Title II, including the prohibition against retaliation. The District will revise its policies and procedures as appropriate, including by making it clear when to use which policies and procedures and adding cross references and links between the various documents to ensure the policies and procedures are internally consistent, reference one another where appropriate, and do not contain conflicting information.
- b. The District will develop and implement a plan to disseminate information about its revised Section 504 grievance procedures to staff, students, and parents/guardians.

**Reporting Requirements for Action Item 1**

1. By December 1, 2018, the District will submit to OCR, for review and approval, revised policies and procedures demonstrating compliance with Action Item 1(a).
2. Within thirty (30) calendar days of receiving OCR's approval, the District will provide OCR with documentation demonstrating that it has disseminated information about its revised policies and procedures as required by Action Item 1(b).

**ACTION ITEM 2: BULLYING INVESTIGATIVE FORM**

- a. The District will revise its bullying investigative form to include: (i) a statement that complaints of bullying or harassment based on protected classes, including disability, shall proceed under the District's discrimination and harassment grievance procedures; (ii) a question regarding whether the targeted student has a Section 504 plan or Individualized Education Program (IEP); and (iii) a statement that if the targeted student has a Section 504 plan or IEP, the District should make the Section 504 Coordinator or Director of Special Education aware of the complaint.
- b. The District will include a copy of the revised form on its website.

### **Reporting Requirements for Action Item 2**

1. By December 1, 2018, the District will submit to OCR, for review and approval, the revised form demonstrating compliance with Action Item 2(a).
2. Within thirty (30) calendar days of receiving OCR's approval, the District will provide OCR with the URL for the location of the form on the District's website.

### **ACTION ITEM 3: TRAINING**

- a. By February 1, 2019, the District will provide Section 504/Title II training to all District administrators and staff who investigate bullying or disability-harassment complaints and/or who work with students on Section 504 plans or IEPs. The training will cover the District's obligations regarding identifying, responding to, and remedying disability-based harassment; and responding to bullying of a student with a disability. The training will also cover the District's revised Section 504 grievance procedures and when they apply. Lastly, the training will cover the prohibition against retaliating against any individual who asserts rights or privileges under Section 504 or Title II or who files a complaint, testifies, assists, or participates in a proceeding under Section 504 or Title II. Such training shall address and be consistent with Section 504, Title II, and their implementing regulations.

### **Reporting Requirements for Action Item 3**

1. By December 1, 2018, the District will submit to OCR, for review and approval, a copy of the training materials and the credentials of the trainer administering the above-described training.
2. Within thirty (30) calendar days of the training required by Action Item 3(a), the District will certify to OCR that the training has occurred in accordance with this Agreement and will provide copies of all training materials and information on who attended the training.

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 the 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. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close these cases.

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.

The Agreement will become effective immediately upon the signature of the District's representative below.

By: /s/\_\_\_\_\_ Date: 8/31/2018\_\_\_\_\_  
Michael Wright, Superintendent