

**Voluntary Resolution Agreement
Pennsylvania Office of Vocational Rehabilitation
OCR Complaint #03143004**

To resolve the allegations in the above-referenced complaint, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35, the Pennsylvania Office of Vocational Rehabilitation (OVR) voluntarily enters into this Resolution Agreement (Agreement) concerning the Harrisburg District OVR. This Agreement does not constitute an admission of liability on the part of the OVR, nor does it constitute a determination by OCR that the OVR violated any of the regulations enforced by OCR.

Action Steps:

1. By August 1, 2014, the Harrisburg District OVR will issue a memorandum to all staff reminding them of their obligations under Title II and Section 504 to not discriminate on the basis of disability, including in their interactions with clients and potential clients.
2. Within 30 days of the execution of the Agreement, the Harrisburg District OVR will assign a vocational rehabilitation counselor (VRC) to the Complainant. Within 10 days of assignment, the VRC will contact the Complainant in order to schedule a meeting to complete the initial intake interview and provide XXX with the Employment Planning Application (EPA) for completion. Upon completion of the EPA by the Complainant, the VRC will meet with the Complainant to review the EPA and to gather information necessary to determine eligibility, which may include choosing providers to conduct necessary evaluations, including but not limited to a functional capacities evaluation and a neuropsychological evaluation. After receipt of the results of the evaluations, receipt of updated medical information and clearance to work from the Complainant's treating physician, the VRC will review the information in order to make an eligibility determination. If the Complainant is deemed eligible for services, within 20 days of the eligibility determination, the VRC will meet with the Complainant in order to develop an Individualized Plan for Employment (IPE) that sets forth the Complainant's employment goal and the services necessary to achieve the employment outcome. Attendance and training at XXXXX X XXXXXXXX XXXXXX XXXX will be considered if appropriate and necessary to achieve the employment goal. If the Complainant is determined ineligible for services from OVR, XX will be notified of the applicable appeal procedures. Should the Complainant fail to complete the EPA, submit to the necessary evaluations, or provide the medical information required by the OVR to make its eligibility determination, the OVR's obligations under this provision will cease.

Reporting Requirements:

1. By October 1, 2014, OVR will provide OCR with a copy of the memorandum, in accordance with Action Step 1.
2. Within 30 days of the completion of its intake process with the Complainant, OVR will provide OCR with documentation showing that it has assigned a VRC to the Complainant, who met with XXX to determine XXX eligibility for services from OVR and to develop an IPE, if appropriate. OVR's submission shall include copies of any

documents related to its eligibility determination and a copy of the appeal procedures, if applicable.

The OVR understands that OCR will not close the monitoring of this Agreement until it determines that the OVR has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.52, and the regulation implementing Title II, at 28 C.F.R. § 35.130, which were at issue in this complaint.

The OVR understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the OVR understands during the monitoring of this Agreement, OCR may visit the OVR, interview staff and clients, and request such additional reports or data as are necessary for OCR to determine whether the OVR has fulfilled the terms of this Agreement and is in compliance with the provisions of the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and 104.52, and the regulation implementing Title II, at 28 C.F.R. § 35.130, which were at issue in to this complaint.

The OVR 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 OVR written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

Julia K. Hearthway
Secretary, Department of Labor & Industry and/or designee

Date