

Resolution Agreement
Wicomico County Public Schools
OCR Docket No. 03-15-1190

In order to resolve compliance concerns identified 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), 29 U.S.C. § 794 et seq., Title II of the Americans with Disabilities Act of 1990, and their implementing regulations, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, the Wicomico County Public Schools (the District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

ACTION STEPS

Section 504/Title II Grievance Procedures

1. By December 31, 2015, the District will submit to OCR, for its review and approval, draft Section 504/Title II grievance procedures to address complaints of disability discrimination, as required by Section 504's implementing regulation at 34 C.F.R. § 104.7(b) and the Title II implementing regulation at 28 C.F.R. § 35.107. The procedures will identify the Section 504/Title II Coordinator as having responsibility to coordinate the District's compliance with Section 504 and Title II. The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging disability discrimination and will include, at a minimum, the following:
 - a. notice to students and employees of the procedure, including how and where to file a complaint;
 - b. the name or title, office address, and telephone number of the individual with whom to file a complaint;
 - c. application of the procedure to complaints alleging disability discrimination carried out by other students, employees or third parties;
 - d. adequate, reliable, and impartial investigation, including the opportunity for both parties to present witnesses and other evidence;
 - e. designated and reasonably prompt timeframes for the major stages of the complaint process;
 - f. notice to the parties of the findings resulting from the complaint; and

- g. an assurance that the District will take steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

2. Within 60 calendar days of written notification from OCR that the revised grievance procedures developed in accordance with Action Step #1 above are consistent with Section 504 requirements, the District will adopt and implement the procedures and will provide all students, faculty, staff, and administrators with written notice regarding the revised grievance procedures for resolving Section 504/Title II complaints, together with information on how to obtain a copy of the grievance procedures. The District, at a minimum, will make this notification through the District's website, electronic mail messages to faculty, staff, administrators and students, and any regularly issued newsletters, (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

Reporting Requirements

- By December 31, 2015, the District will submit to OCR for its review and approval a copy of its draft Section 504 /Title II grievance procedures referenced in Action Step 1.
- Within 60 calendar days following OCR's approval of the Section 504/Title II grievance procedures referenced in Action Step 2, the District will provide OCR with documentation that it has implemented Action Step 2, including copies of the written notices issued to students and employees regarding the new Section 504/Title II procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised Section 504/Title II procedures are located.

Notice of Nondiscrimination

3. By December 31, 2015, the District will revise its notice of nondiscrimination pursuant to Section 504, at 34 C.F.R. § 104.8, and Title II of the ADA, at 28 C.F.R. § 35.106, to specifically include the prohibition against disability discrimination and include the name and contact information (address, telephone number and e-mail address) for the District's Section 504/Title II Coordinator. The notice may include other bases of discrimination, such as race, sex, and age.
4. Within 60 calendar days of written notification from OCR that the District's notice of nondiscrimination complies with Section 504 and Title II, the District will ensure that each of its electronic and printed publications of general distribution that provide information to students, faculty, staff and personnel about District services and policies contain the revised notice of nondiscrimination. Inserts may be used pending reprinting of these publications.

Reporting Requirements

- By December 31, 2015, the District will submit to OCR for its review and approval a copy of its notice of nondiscrimination referenced in Action Step 3.
- Within 60 calendar days of OCR’s approval of the District’s notice of nondiscrimination, the District will submit to OCR documentation that it has implemented Action Step 4, including copies of any printed publications and web links to any electronic publications containing the notice.

The District agrees to comply with the terms of this Agreement until OCR has released it from monitoring. OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the provisions of Section 504, at 34 C.F.R. §§ 104.7(b) and 104.8, and Title II, at 28 C.F.R. §§ 35.106 and 35.107, which are at issue in this complaint.

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, 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 complied with the terms of this Agreement and the provisions of Section 504, at 34 C.F.R. §§ 104.7(b) and 104.8, and Title II, at 28 C.F.R. §§ 35.106 and 35.107, which are 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 sixty (60) calendar days to cure the alleged breach.

/s/

Superintendent or designee

10/28/2015

Date