

**Resolution Agreement  
West Perry School District  
OCR Docket Number 03181180**

The U.S. Department of Education, Office for Civil Rights (OCR) and the West Perry School District (District) enter into this Resolution Agreement (Agreement) to resolve the issues in this above-referenced complaint. This Agreement does not constitute an admission of liability, nor does it constitute a finding of non-compliance or wrongdoing on the part of the District. The District assures OCR that it will take the following actions to comply with the requirements of 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 of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. The District is a recipient of Federal financial assistance and is therefore subject to the requirements of these laws.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions:

**Disability Discrimination Grievance Procedures**

1. By November 15, 2018, the District will, subject to OCR's review and approval, revise its disability grievances procedures (Grievance Procedures) to provide for the prompt and equitable resolution of complaints alleging disability discrimination, including disability harassment. The Grievance Procedures will include, at a minimum, the following elements:
  - a. Notice to students, parents, and employees of the Grievance Procedures, including where complaints may be filed;
  - b. Application of the Grievance Procedures to complaints alleging disability discrimination, including disability harassment, carried out by employees, other students, or third parties;
  - c. Adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
  - d. Designated and reasonably prompt timeframes for the major stages of the complaint process;
  - e. Notice to the parties of the outcome of the complaint; and
  - f. An assurance that the District will take appropriate steps to prevent the recurrence of any disability discrimination, including disability harassment, and to correct the discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirement**

By November 30, 2018, the District will submit to OCR for review and approval a copy of its revised Disability Discrimination Grievance Procedures to ensure that they are consistent with the requirements of Section 504 and Title II.

2. Within 45 days of receipt of OCR's notice of approval of the District's Disability Discrimination Grievance Procedures, the District will implement and publish the Disability Discrimination Grievance Procedures and notify all staff, parents and students that the Grievance Procedures have been revised. Publication will include all online and printed student handbooks, notices, and other relevant publications.

**Reporting Requirement**

Within 15 days of the above deadline for implementation, publication, and staff/parent/student notification, the District will submit evidence to OCR confirming that the Disability Discrimination Grievance Procedures have been implemented and published. The District will also submit evidence demonstrating its compliance with the staff/parent/student notification requirement by describing the manner and date(s) of dissemination and providing OCR with a copy of the notice(s) and a link to the District’s website containing the notice(s).

**Staff Training**

3. By February 1, 2019, the District will require all teachers, administrators, school aides, and any other personnel at the XXXXXX (the School) who have contact with students to participate in training on the District’s revised Disability Discrimination Grievance Procedures. The training will specifically address the responsibility of staff to report incidents of possible harassment and the procedures for doing so, and provide instruction on how to recognize, prevent, and respond appropriately to such harassment.

**Reporting Requirement**

By February 15, 2019, the District will provide OCR with a report demonstrating implementation of #3, including documentation indicating the names and job classifications of training participants, dates of training completion, topics covered during the training, and copies of the materials used in the training.

XXXXXX

4. XX – paragraphs redacted – XX

**Reporting Requirement:**

XX – paragraph redacted – XX

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.4 and Title II at 28 C.F.R. § 35.130, which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 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/

9/11/2018

---

Superintendent/Designee  
West Perry School District

---

Date