

Resolution Agreement
Alabama School of Mathematics and Science
OCR Complaint # 04-14-1440

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of the Alabama School of Mathematics and Science (ASMS), pursuant to Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. After completion of its investigation, OCR found Title II compliance concerns. ASMS agreed to voluntarily resolve these compliance concerns pursuant to Section 303(b) of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Title II and its implementing regulation and to resolve the compliance concerns, ASMS voluntarily agrees to take the following actions:

Notice of Nondiscrimination

1. By **September 30, 2014**, ASMS will revise its nondiscrimination notices in its student handbook (in print and any other media format which is available to students) and on its website to state that ASMS does not discriminate on the bases of race, color, national origin, disability, age, and sex.

REPORTING REQUIREMENT: By **October 15, 2014**, ASMS will provide a copy of its revised Student Handbook that includes its notice of nondiscrimination and a link to the website page containing the notice.

Grievance Procedures

2. By **September 30, 2014**, ASMS will develop and submit to OCR for its review and approval draft grievance procedures to address discrimination and harassment complaints under Title II alleged to have been committed by faculty, staff members, students, or third parties (such as members of the general public or vendors). ASMS will ensure that these procedures provide for the prompt and equitable resolution of all complaints and will include, at a minimum, the following:
 - (a) Notice to students and employees of the grievance procedures, including where complaints may be filed;
 - (b) Application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination or harassment carried out by employees, other students, or third parties;
 - (c) Provision for adequate, reliable and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
 - (d) Designated and reasonably prompt time frames for the major stages of the complaint process;

- (e) Written notice to the complainant and alleged perpetrator of the outcome of the complaint; and
- (f) Assurance that ASMS will take steps to prevent recurrence of any disability-based discrimination or harassment and remedy the discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT:

(1) By **October 15, 2014**, ASMS will submit to OCR for its review and approval, the draft grievance procedures.

(2) By **October 30, 2014**, or within 60 days of OCR's approval of the procedures developed in accordance with Item 2 above, whichever is later, ASMS will adopt and implement the procedures and will provide all faculty, staff and students as well as their parents or guardians with written notice regarding the procedures together with information on how to obtain a copy of the procedures. ASMS will make this notification through ASMS's website; electronic mail messages to faculty, staff and students as well as their parents or guardians; and employee and student handbooks.

(3) Within 30 calendar days after the implementation of Item 2, ASMS will provide OCR with documentation that it has implemented Item 2 above, including copies of the written notices issued to faculty, staff, and students as well as their parents or guardians regarding the procedures and a description of how the notices were distributed; copies of its revised employee and student handbooks; and a link to its webpage where the procedures are located.

Title II Coordinator

- 3. By **September 30, 2014**, ASMS will designate an employee to serve as its Title II Coordinator and publish the identity, the office address and the telephone number for its Title II Coordinator in all publications that reference Title II.

REPORTING REQUIREMENT: By **October 30, 2014**, ASMS will provide OCR with a copy of all of the publication(s), showing that the identity of the Title II Coordinator, and the office address and telephone number.

Training

- 4. By **December 31, 2014**, ASMS will initiate annual, mandatory training for its administrators, faculty and staff on ASMS's newly created Title II grievance procedures, the revised statement of nondiscrimination, and the appointment of the Title II Coordinator.

REPORTING REQUIREMENT: By **January 31, 2015**, or within 30 days of the training being conducted, whichever is later, ASMS will provide a report confirming the completion of the training required under Item 4 above. The documentation shall include: (1) the date of

the training session; (2) the number and titles of employees who participated in the training session; and (3) a copy of the agenda and training materials disseminated.

ASMS understands that by signing this Agreement, it agrees to provide data and other information in a timely manner to accord with the reporting requirements of this agreement. Further, ASMS understands that during the monitoring of this Agreement, if necessary, OCR may visit ASMS, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether ASMS has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title II at 28 C.F.R. §§ 35.106 and 35.107.

ASMS understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title II at 28 C.F.R. §§ 35.106 and 35.107, which were at issue in this case.

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

President or Designee

Date