

**Resolution Agreement
Elmore County School District
Complaint # 04-17-1015**

The Elmore County School District (District) agrees to resolve the allegations of discrimination on the basis of disability contained in complaint number 04-17-1015 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.130.

Student Remedies

1. The District, via written correspondence to the Student's parent, will enclose an application for the Afterschool program (Program) and provide an assurance that the Student will be admitted to the Program with any needed related aids and services. If the Student applies, the District will make an individualized assessment regarding the accommodations the Student will require to participate in the Program.

Reporting Requirement: Within 5 days of completing **Item One**, the District will provide documentation to OCR showing that the District, via written correspondence, provided the Student's parent an application for the Program and an assurance that the Student will be admitted to the Program.

2. **By April 15, 2017** the District will provide documentation to OCR indicating whether the Student was admitted to the Program. If the Student applies and is admitted, and is in need of a specific accommodation or service, the District will provide evidence that the accommodation or service has been secured for the Student.

Reporting Requirement: **By April 15, 2017**, the District will provide the documentation stated above in **Item Two**.

Policies and Procedures Requirements

3. The District assures OCR that it will not discriminate on the basis of disability in the admission of students with disabilities to the Program and that it will not make categorical decisions, based on disability, concerning the admissions and participation of students with disabilities in the Program. **By April 21, 2017**, to ensure equal opportunity for students with disabilities to attend the Program, the District will develop policies and procedures to determine on a case by case basis whether a student with a disability is qualified to participate in the Program and what accommodations a student with a

disability will require to participate in the Program.¹ The policies and procedures should include that Program personnel will consult with the parent/guardian and teachers and review other data regarding the student with a disability and his/her needs to access the Program. The policies and procedures will be submitted to OCR for review and approval.

Reporting Requirements: By May 3, 2017, the District will provide a copy of the policies and procedures developed to ensure that students with disabilities have an equal opportunity to participate in the Program. Upon approval by OCR, the District will immediately implement the new policies and procedures.

By May 30, 2017, the District will also provide the names, the disability, and accommodations provided to any student with a disability who was admitted to the Program.

4. **By June 30, 2017**, the District will revise the Elmore County Public Schools child Development Program Handbook (Handbook) and submit it to OCR for review and approval. The revisions will include (a) notice of nondiscrimination on the basis of disability; (b) the name or title, address, and telephone number of the employee designated to coordinate the District's efforts to comply with the regulations implementing Section 504 and Title II in the notice of nondiscrimination; and (c) appropriate grievance procedures providing for the prompt and equitable resolution of complaints pursuant to the implementing regulations of Section 504 and Title II. The grievance procedures will contain the following elements:
 - (a) proper notice of the grievance procedures, including where complaints may be filed;
 - (b) application of the grievance procedures to complaints alleging discrimination on the basis of disability, sex, age and other protected bases 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 school will take steps to prevent recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate.

¹ For guidance please refer to OCR's "Guidance on the Application of Section 504 to Noneducational Programs of Recipients of Federal Financial Assistance", January 3, 1990, a copy of which has been provided to the District.

Reporting Requirements: By July 29, 2017, the District will provide OCR a revised copy of the Handbook that includes a statement or notice of nondiscrimination on the basis of disability and the telephone number of the employee designated to coordinate the District's efforts to comply with the regulations implementing Section 504 and Title II. The revised Handbook should also include the appropriate due process procedures for the prompt and equitable resolution of complaints pursuant to the implementing regulations of Section 504 and Title II. Upon OCR's approval, the District will distribute copies of the Handbook to all District parents with children of age to participate in the Program.

By August 15, 2017, the District will confirm that the revised Handbook has been distributed to all District parents with children who are eligible to participate in the Program.

Training

5. By August 31, 2017, the District will provide training to all Program staff on the policies and procedures developed pursuant to **Item Three and Item Four**.

Reporting Requirement: By September 9, 2017, the District will provide to OCR a sign-in sheet showing all Program staff, by name and title, who received training on the new policies and procedures and the requirements of Section 504 and Title II. The District will also provide the name and credentials of the trainer and a copy of the training materials.

This Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. § 35.130 which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and Title II and its implementing regulation at 28 C.F.R. § 35.130.

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.

Superintendent or designee

Date