

## **Resolution Agreement # 05-14-1004 East Allen County Schools**

The East Allen County Schools (the District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve one allegation of discrimination based on disability in case #05-14-1004. The District submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability. The District agrees to the following:

1. By June 1, 2014, the District will develop and submit to OCR for approval grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of grievances alleging discrimination based on disability. The revised procedures will make clear to District students and parents how and to whom to report alleged discrimination based on disability, will contain timeframes for each stage of the investigation of a grievance, and will require that the District advise the parties in writing of the outcome of the investigation.

**REPORTING REQUIREMENT:** By June 1, 2014, the District will submit its grievance procedures referenced in Item #1 to OCR for its review and approval.

2. Within 30 days of OCR's approval of the grievance procedures, the District will notify students, parents, employees, and other interested persons of the revised grievance procedures, including posting them in a prominent place on the District's website and in all District buildings.

**REPORTING REQUIREMENT:** Within 30 days of the required implementation date of Item #2, the District will document to OCR that it has posted the grievance procedures as specified in this Item.

3. By June 1, 2014, the District will submit to OCR for approval the name of a properly trained employee it will designate to coordinate its efforts to comply with and carry out its responsibilities under Section 504 and Title II (Coordinator). The Coordinator's duties shall include, but not be limited to, the proper implementation of the District's disability grievance procedures and investigation of any complaint alleging noncompliance or actions that would violate Section 504 or Title II. The Coordinator must be a qualified person knowledgeable in all aspects of disability law (as applied to school districts). Within 10 days of OCR's approval of the Coordinator, the District will notify all students, parents, and employees of the name, address, telephone number, and email address of the Coordinator.

**REPORTING REQUIREMENT:** By June 1, 2014, the District will submit to OCR the name and resume or curriculum vitae of the individual it would like to designate as the Coordinator. Within 10 days of OCR's approval of the Coordinator, the District will

document to OCR that it has provided the required notice to students, parents, and employees.

4. By October 1, 2014, the District will provide training to the Coordinator and all other employees who are directly involved in processing, investigating and/or resolving complaints of discrimination based on disability. The training will review the grievance procedures referenced in Item #1 of this Agreement and include instruction on how to conduct and document adequate, reliable, and impartial disability discrimination investigations, including the appropriate legal standards to apply in such investigations.

**REPORTING REQUIREMENT:** By October 15, 2014, the District will provide OCR with documentation that it has provided appropriate District staff with the training referenced in item #4, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the District staff who attended the training.

5. Effective immediately, the District will maintain records of all disability discrimination grievances filed by students or parents, with a copy of all relevant documents for each.

**REPORTING REQUIREMENT:** By June 30, 2015, the District will provide OCR a copy of all disability discrimination grievances filed during the 2014-2015 school year, documentation of the investigation of each grievance, the findings issued for each, and contact information for the complainant in each grievance.

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, the OCR may visit the District, interview students, administrators or staff, and request such additional reports or data as are necessary for the 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. § 104.7, and Title II, at 28 C.F.R. § 35.107, which were at issue in this complaint.

The District understands that the OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.7, and Title II, at 28 C.F.R. § 35.107, which were 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the East Allen County School:

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date