

Resolution Agreement #05-14-1191

Charles A. Beard Memorial School Corporation (Corporation) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve the alleged discrimination based on disability in case #05-14-1191. The Corporation 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 at 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 at 28 C.F.R. Part 35. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance. Title II prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the Corporation is subject to these laws.

Effective immediately, the Corporation will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled in the Corporation are not subjected to discrimination based on disability. By entering into this Agreement, the Corporation does not admit any violations with regard to the allegations raised in this complaint. Nothing contained in this Agreement shall be considered, construed as or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act by the Corporation.

TRAINING OF CORPORATION PERSONNEL

1. By December 30, 2014, the Corporation will provide training to all personnel responsible for implementing Section 504 plans and Individualized Education Programs (IEPs) for students with disabilities, which will address the importance of implementation of all provisions of Section 504 plans and IEPs. This training will incorporate information specific to diabetes and treatment generally and the importance of conducting all required blood sugar testing, timely testing of blood sugar, the appropriate treatment of a student's blood sugar after testing, and the importance of and correct use of the voice amplification system provided in the Student's IEP.

REPORTING REQUIREMENT: By January 23, 2015, the Corporation will submit to OCR documentation that the training referenced in this item has been completed, including the name and credentials of the trainer(s), a copy the agenda for the training sessions, the identity of the staff trained and all documents provided at the training sessions.

STUDENT FOCUSED REMEDIES

2. If the student who was the subject of this complaint (Student A) re-enrolls in the Corporation during the 2014-2015 school year, the Corporation will convene a meeting within 10 instructional days after Student A reenrolls. The meeting will include a team of people knowledgeable about Student A and his medical condition, including Student A's parent. The team will determine if any modifications, including

compensatory and/or remedial services as to the implementation of the voice amplification system, are necessary or appropriate for Student A's Section 504 plan and/or IEP to meet Student A's needs for the 2014-2015 school year. The Corporation will provide Student A's parent notice of the procedural safeguards including the right to challenge the determination through an impartial due process hearing.

REPORTING REQUIREMENT: Within 15 instructional days of the meeting referenced in Item #2, the Corporation will submit to OCR documents supporting the decision as to whether and what, if any, compensatory and/or remedial and other educational services are needed as to the previous implementation of the voice amplification system. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to Student A. OCR will, prior to approving the Corporation's decision and plan for providing the proposed services, review the documentation to ensure that the Corporation met the procedural requirements of the regulations implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36 in making these determinations. No later than 15 calendar days following the completion of all compensatory and/or remedial services, if any, in the Section 504 plan and/or IEP, the Corporation will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

3. If Student A re-enrolls in the Corporation during the 2014-2015 school year, the Corporation will ensure that any Section 504 plan or IEP in place for Student A is implemented in full, including the acquisition of a new voice amplification system to be put in operation by the Student's return to school.

REPORTING REQUIREMENT: By June 30, 2015, the Corporation will submit to OCR documentation as to whether Student A has re-enrolled in the Corporation and, if he has, will provide documentation of the implementation of all Section 504 plans and IEPs in place for Student A in the 2014-2015 school year.

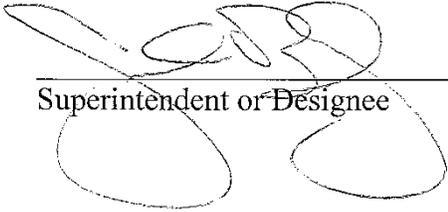
The Corporation understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Corporation understands that, during the monitoring of this Agreement, the OCR may visit the Corporation, interview students, administrators or staff, and request such additional reports or data as are necessary for the OCR to determine whether the Corporation has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130, which were at issue in this complaint.

The Corporation understands that the OCR will not close the monitoring of this Agreement until OCR determines that the Corporation has fulfilled the terms of this Agreement and is in

compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130, which were at issue in this complaint.

The Corporation 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 Corporation 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 Corporation.



Superintendent or Designee

Date