

Resolution Agreement
Greendale School District
OCR No. 05-14-1221

The Greendale School District (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and 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.

1. By December 1, 2014, the District will complete its development of a policy and procedure that delineates the process for conducting impartial Section 504 due process hearings to resolve disputes regarding the identification, evaluation, and/or placement of students believed to be disabled and to need special education, related services, and/or accommodations under Section 504. The hearing will be impartial with the opportunity for participation by parents and representation by counsel. The hearing will comport with judicially recognized principles of fundamental fairness, including, but not limited to, the appointment of a hearing officer who is not an employee of the District nor a member of the school board of the District and will be conducted without undue delay in convening the hearing and rendering a decision. The District will submit its draft Section 504 due process policy and procedure to OCR for review and approval.

REPORTING REQUIREMENTS: By no later than December 15, 2014, the District will submit its draft Section 504 due process policy and procedure referenced in Item #1 to OCR for review and approval.

2. Within 60 calendar days of OCR's approval of the proposed Section 504 due process hearing policy and procedures referenced at item #1 above, the Board of Education will adopt the policy and procedures.

REPORTING REQUIREMENTS: Within 30 calendar days of the Board of Education's approval of the Section 504 due process hearing policy and procedures referenced at item #1 above, the District will notify OCR of the Board of Education's approval of the policy and procedures.

3. Within 30 calendar days of the Board of Education's approval of the new Section 504 due process hearing policy and procedures referenced at item #1 above, the District will widely disseminate the policy and procedures. The District will provide all students, parents/guardians, relevant administrators and staff notice of the new Section 504 due process hearing policy and procedures by posting the revised policy and procedures on its website and by notifying relevant administrators and staff by electronic mail. The District will also publish the new policy and procedures in printed District publications, including its Student Handbooks and publications that refer to Section 504 services or plans.

REPORTING REQUIREMENTS: Within 30 calendar days of the Board’s approval of the new Section 504 due process hearing policy and procedures referenced at item #1 above, the District will report in writing to OCR that it has posted the new Section 504 due process hearing policy and procedures on the District’s web site and notified relevant administrators and staff by electronic mail of the new policy and procedures, as required in item #3 above. By the start of the 2015-16 school year, the District will publish the new policy and procedures in its Student Handbooks and publications that refer to Section 504 services or plans and notify OCR by October 1, 2015, that the new policy and procedures are now included in these publications.

4. Within 30 calendar days of the Board of Education’s approval of the new Section 504 due process hearing policy and procedures referenced at item #1 above, the District will provide effective training on the new policy and procedures to District administrators who are responsible for implementing these policies and procedures, such as building principals and associate principals, the Director of Pupil Services/Section 504 Coordinator, and the Superintendent.

REPORTING REQUIREMENTS: Within 30 calendar days of the Board’s approval of the new Section 504 due process hearing policy and procedure referenced at item #1 above, the District will report in writing to OCR that it has provided the training referenced in this item, including the date(s) of the training, a copy of the materials used or distributed to participants, and a list with the name and title of all District administrators and staff who successfully completed the training.

5. Within 30 calendar days of the Board of Education’s approval of the new Section 504 due process hearing policy and procedure referenced at item #1 above, the District will provide the Complainants with written notification of the new policy and procedures and provide them with a copy.

REPORTING REQUIREMENTS: Within 14 calendar days of the District’s written notification to the Complainants of the new Section 504 policy and procedure, the District will provide OCR with a copy of the notification.

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 in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104.36, which was at issue in this case.

The District also understands that by signing this Agreement, it agrees to provide data and other 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. Part 104.36, which was at issue in 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 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 Greendale School District:



Dr. John Tharp

10-30-14
Date