

Resolution Agreement
Monroe Community School Corporation
Case No. 05-14-1326

In order to resolve the allegation in Case No. 05-14-1326 Monroe Community School Corporation 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, the Corporation agrees to take the following actions.

1. By March 2, 2015, the Corporation will consider whether it should modify its rule that requires a student to attend a Corporation school in order to participate in athletics and permit Student A to try out for and participate in athletics in the spring 2015 season. The decision whether to modify the rule will be individualized, made by a group of knowledgeable persons, and will take into account the nature of Student A's disability and the purpose or reason for the rule. The Corporation will make reasonable modifications to the rule that are necessary to avoid discrimination on the basis of disability, unless the Corporation can demonstrate that making the modifications would fundamentally alter the nature of the extracurricular athletic program or activity, and will consider if there are alternatives available that would allow Student A to engage in the program but not fundamentally alter the nature of the extracurricular athletic activity. The Corporation will also consider whether it can make additional modifications to ensure that Student A meets state athletic association eligibility rules.

REPORTING REQUIREMENT: By March 6, 2015, the Corporation will provide OCR with documentation demonstrating that it has completed the requirements of this item 1, including notes of all meetings, the names and titles of all persons involved in making the determination, copies of all information and modifications considered, and the basis for the decision whether to modify the applicable policy and permit Student A to participate. OCR will review the documentation submitted to ensure that the District met the requirements of the regulations implementing Section 504 and Title II in making its determination. If a determination is made to allow Student A to participate, the Corporation will document to OCR by June 1, 2015, Student A's participation in the spring 2015 athletic season or of a rejection by Student A's parent of the offer to allow Student A to participate.

2. By April 30, 2015, the Corporation will establish written policies and procedures for reviewing future requests on behalf of students with disabilities for modification to any Corporation policies or rules, including those that apply to participation in extracurricular activities, to ensure that the Corporation determines on a case-by-case basis whether modifications can be made in order to afford qualified students with disabilities an equal opportunity for participation as that given to students without disabilities. Upon OCR's approval of the policies and procedures, the Corporation will publish the policies and procedures on its website and in student handbooks at all Corporation schools.

REPORTING REQUIREMENT: By April 30, 2015, the Corporation will provide for OCR’s review and approval a copy of the policies and procedures referenced in this item. Within 15 days of the Corporation’s receipt of OCR’s approval of the policies and procedures, the Corporation will provide OCR with documentation to substantiate that it has formally adopted the OCR-approved procedure and that it has published the policies and procedures on its website. By September 1, 2015, the Corporation will provide to OCR copies of the handbooks for all schools containing the policies and procedures. By June 1, 2016, the Corporation will provide OCR a copy of all requests made in the 2015-2016 school year pursuant to the policy and all documents related to the consideration of each request.

3. By September 1, 2015, the Corporation will provide training to all administrators, including athletic administrators, on the policies and procedures referenced at item #2 of the Agreement.

REPORTING REQUIREMENT: By September 1, 2015, the Corporation will provide to OCR documentation of the training required by this item, including the name of the trainer(s), a copy of all materials distributed, and proof of attendance by all administrators.

The Corporation also 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, OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Corporation has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.37, and Title II, at 28 C.F.R. 35.130, which were at issue in this case.

The Corporation understands that 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 regulation implementing Section 504, at 34 C.F.R. §§ 104.4 and 104.37, and Title II, at 28 C.F.R. 35.130, which were at issue in this case.

The Corporation understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement in accordance with all applicable laws and regulations. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce 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 Monroe County Community School Corporation:

Superintendent or designee

Date