

Resolution Agreement # 05-16-1106

Vigo County School Corporation

Vigo County School Corporation (Corporation) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR) in resolution of OCR complaint #05-16-1106. 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 regulations 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 regulations at 28 C.F.R. Part 35, with respect to the issue raised in the complaint. The Corporation agrees to the following:

1. By August 15, 2016, the Corporation will amend its notice of nondiscrimination to ensure that it meets the requirements of the regulations implementing Section 504 and Title II, including listing the name, title and contact information (including phone number, office address and e-mail) for its Section 504/Title II Coordinator and stating that inquiries concerning the application of Section 504 or Title II may be referred to the Section 504/Title II Coordinator or to OCR. The Corporation will broadly publish its revised notice of nondiscrimination, including on the Corporation's website, and in its promotional materials, student and employee handbooks, application forms and its other published materials in accordance with 34 C.F.R. § 104.8 and 28 C.F.R. § 35.106.

REPORTING REQUIREMENT: By September 15, 2016, the Corporation will provide to OCR for review and approval a copy of its amended notice of nondiscrimination. Within 30 days of OCR's approval of the notice of nondiscrimination, the Corporation will provide to OCR a list of the titles of the publications in which the notice of nondiscrimination appears (e.g. Parent-Student Guide) and a copy of at least one publication disseminated to the Corporation community, or printouts or a link to an online publication containing the notice. Should the Corporation require more than 30 days due to periodic printing of Corporation materials, inserts may be used pending reprinting of those publications.

2. By December 16, 2016, for the 29 students whose Individualized Education Program (IEP) were amended in fall 2015 without a Case Conference Committee, the West Vigo Elementary School (School) will properly notice and convene a group of persons knowledgeable about each student to determine whether each student requires compensatory and/or remedial services for the period beginning in 2015 when the student's placement was changed, provided that the student continues to reside in the Corporation and/or receive special education and related services from the Corporation. The group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond June 30, 2017.

REPORTING REQUIREMENTS: By January 17, 2017, the Corporation will submit to OCR a copy of the meeting minutes or similar documentation for each meeting referenced in Item# 2, including an explanation for decisions made and a description of and schedule for providing any compensatory and/or remedial services to each student. With respect to those students who no longer reside in the Corporation and/or no longer receive special education and related services from the Corporation, the Corporation will submit to OCR a list of those students, the date of their withdrawal, and an explanation of

why a Case Conference Committee cannot be held to assess the need for compensatory and/or remedial services for those students. OCR will review the documentation submitted to ensure that the Corporation met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. By July 15, 2017, the Corporation will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

3. For any student exempt from the requirements in Item #2 because he or she no longer resides in the Corporation and/or no longer receive special education and related services from the Corporation, if the student re-enrolls in the Corporation in the 2016-2017 school year, within 30 calendar days of re-enrollment, the Corporation will properly notice and convene a group of persons knowledgeable about the student to determine whether the student requires compensatory and/or remedial services for the period beginning in 2015 when the student's placement was changed. The group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond December 29, 2017.

REPORTING REQUIREMENTS: Within 15 calendar days of a Case Conference Committee referenced in Item #3, the Corporation will submit to OCR a copy of the meeting minutes or similar documentation for each meeting including an explanation for decisions made and a description of and schedule for providing any compensatory and/or remedial services to each student. OCR will review the documentation submitted to ensure that the Corporation met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. By January 17, 2018, the Corporation will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

4. By September 28, 2016, the Corporation will provide effective training to all administrators and special education personnel at the School about the requirements of regulations applicable to the placement of students who need or are believed to need special education and related services, including the procedures that must be followed prior to a change in placement. The training will also include information about Section 504 and Title II's prohibitions of discrimination based on disability.

REPORTING REQUIREMENT: By October 28, 2016, the Corporation will submit to OCR documentation that it has provided School personnel the training required by this item, 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 list of School employees who successfully completed the training.

The Corporation understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 regulations, at 34 C.F.R. §§ 104.8, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.106 and 35.130, which were at issue in this case.

The Corporation 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 Corporation understands that during the monitoring of this Agreement, if necessary, OCR may visit the Corporation and other sites that the Corporation uses to offer program accessibility, interview staff and patrons, 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 regulations implementing Section 504 regulations, at 34 C.F.R. §§ 104.8, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §§ 35.106 and 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. 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 60 calendar days to cure the alleged breach.

Agreed to on behalf of Vigo County School Corporation:

Name

Date