

Voluntary Resolution Agreement #05-19-4034 Indiana Department of Corrections

The U.S. Department of Education, Office for Civil Rights (OCR), and the Indiana Department of Correction (IDOC) enter into this Voluntary Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by IDOC. IDOC assures OCR that it will take the following actions to comply with the requirements of 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, which prohibits discrimination on the disability by recipients of Federal financial assistance.

- 1) By April 1, 2020, IDOC will notify all inmates on kidney dialysis at Plainfield Correctional Facility (PCF) who were previously discouraged from applying or were advised that they were not eligible to apply for the Moreau College Initiative (MCI) because of their disability that this communication was in error and that qualified inmates with disabilities are encouraged to apply to the MCI. The notification will explain that IDOC will process the application consistent with its policies and procedures for the MCI and its treatment of all other applicants to the MCI without regard to disability status

REPORTING REQUIREMENT: By April 15, 2020, IDOC will submit to OCR documentation demonstrating it has provided the notice required by this item. By September 1, 2020, IDOC will provide OCR a list of inmates on dialysis at PCF who applied for admission to the MCI, the admissions decision for each, and the reason(s) for each admissions decision.

- 2) By April 1, 2020, IDOC will provide training to all IDOC employees involved in the MCI program admissions process that it cannot discriminate on the basis of disability in making the admission determination.

REPORTING REQUIREMENT: By April 15, 2020, IDOC will submit to OCR documentation demonstrating it has provided the training required by this item, including a copy of materials used for the training and a list of individuals who received the training.

- 3) If any inmates on dialysis at PCF are admitted to the MCI for the 2020-2021 academic year, IDOC will ensure that it provides them equal access to the MCI or, if they cannot be served at the facility that houses the MCI, IDOC will engage in an interactive discussion with the individual to provide appropriate and effective reasonable modifications to the educational programming based on the individual's needs consistent with the requirements of Section 504 and to avoid excluding the individual's participation in the program based on disability.

REPORTING REQUIREMENT: By September 1, 2020, IDOC will submit to OCR documentation demonstrating its compliance with this item, including a description of the alternative educational programming it is providing at PCF.

IDOC understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, IDOC understands that, during the monitoring of this Agreement, if necessary, OCR may visit IDOC, interview individuals, and request such additional reports or data as are necessary for OCR to determine whether IDOC has fulfilled the terms of this Agreement. Upon completion of the obligations under this Agreement, OCR will close this case.

IDOC understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement and/or Section 504 and its implementing regulations. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give IDOC written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of IDOC’s representative below.

Name

Date