

RESOLUTION AGREEMENT
FORT WAYNE COMMUNITY SCHOOLS
Case #05221583

Fort Wayne Community Schools (District) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), in resolution of OCR complaint #05-22-1583. The District 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, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance, 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, which prohibits discrimination on the basis of disability by public entities, with respect to the issues raised in the complaint.

1. By May 15, 2023, the District will review and, if necessary, revise its policies and procedures for testing for admission to the Youth Life Skills (YLS) Program to ensure that students with disabilities applying for YLS receive all necessary modifications on the admissions tests(s).

REPORTING REQUIREMENTS: By May 31, 2023, the District will provide documentation to OCR that it has completed the review required by this item and, if necessary, revised its procedures.

2. By August 1, 2023, the District will include in all publications regarding YLS and on the District's website the policies and procedures for providing modifications on all tests used for admission to YLS.

REPORTING REQUIREMENTS: By August 15, 2023, the District will provide OCR with documentation that it has implemented the provisions of this item.

3. By August 1, 2023, the District will provide training to District guidance counselors, YLS personnel, and anyone else involved in the YLS admissions testing process of the policies and procedures referenced in Item #1. The training will also include a review of the District's obligations under Section 504.

REPORTING REQUIREMENTS: By August 15, 2023, the District will provide documentation to OCR that it has completed the training required by this item, including a copy of all training materials used and the names of all individuals who attended the training.

4. By May 15, 2023, The District will offer the student who was the subject of this complaint (Student A) an opportunity to be tested for admission to YLS for fall 2023, with the testing modifications required by his IEP. If Student A accepts the offer, the District will provide the test to Student A at the next available date it is being offered.

REPORTING REQUIREMENTS: By May 31, 2023, the District will provide documentation to OCR that it made the offer to Student A required by this item. By August 15, 2023, the District will provide documentation to OCR of whether Student A accepted the offer and, if so, the results of the test and the District's determination whether to admit Student A to YLS for the 2023-2024 school year.

The District 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, the District understands that, during the monitoring of this Agreement, 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 and obligations of this Agreement. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or designee

Date