

## **Resolution Agreement**

### **Midway Independent School District OCR Complaint #06-17-1962**

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Midway Independent School District (the District) enter into this resolution agreement (Agreement) to voluntarily resolve allegation 1 in the above-referenced complaint. The District 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), as amended, 29 U.S.C. Section 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. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to voluntarily resolve allegation 1 of the issue under investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

#### **Action Item #1 – Policies, Procedures, and Forms for Dual-Credit Courses**

The District will revise its policies, procedures, and official District forms pertaining to the provision of accommodations for students enrolled in dual-credit courses offered by other educational institutions to reflect the District's requirements under Section 504, at 34 C.F.R. §§ 104.33, 104.4, and Title II, at 28 C.F.R. § 35.130 to ensure District students receive a free and appropriate education (FAPE). The District's procedure revisions shall include, but not be limited to, methods of monitoring the provision of accommodations to students with disabilities enrolled in dual-credit courses administered by other educational institutions, if students enrolled in the District receive District credit for those courses.

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, its proposal for complying with Action Item 1 above.
- b) **Within 60 days** of OCR's approval of the revised policies, procedures, and forms in Reporting Requirement 1(a), the District will provide documentation to OCR showing that the District disseminated the approved policies and procedures consistent with Action Item 1 above, such as a copy of revised materials and publications containing the notice of nondiscrimination, and/or a link to the on-line version of the materials and publications. Inserts may be used pending reprinting of the materials and publications.

#### **Action Item #2 – Training**

The District will provide training regarding its policies and procedures, as revised pursuant to Action Item #1 and its obligation under Section 504 and Title II to provide a FAPE to all qualified students with disabilities residing within its jurisdiction. The training should be provided to all relevant District personnel who will have a role in implementing the revised

policies and procedures or otherwise ensuring the provision of accommodations to students with disabilities enrolled in dual-credit courses as described in Action Item #1. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination.

## **Reporting Requirement #2**

- a) **Within 60 days** of receiving OCR approval of the revised policies, procedures, and forms in Reporting Requirement 1(a), the District will submit to OCR, for review and approval, its proposal for complying with Action Item 2 above. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the District intends to use at the training session(s).
- b) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 2(a), the District will provide the training listed in Action Item 2 above.
- c) **Within 30 days** of the completion of the training referenced in Reporting Requirement 2(b), the District will provide OCR with documentation demonstrating that it has timely completed Action Item 2 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 2, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

The District 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 and Title II.

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 the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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 (34 C.F.R. §§ 100.9, 100.10), or judicial proceeding to enforce this agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

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Dr. George Kazanas, Superintendent  
Midway Independent School District

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Date