

**Resolution Agreement
Homer Public Schools
OCR Case Number: 07-20-1141**

The Homer Public Schools (District), Homer, Nebraska, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this complaint filed under 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, and its implementing regulation at 28 C.F.R. Part 35.

The District voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

The District agrees to take the following actions:

1. The District will provide a response to the Complainant's grievance that was filed with the District on September 9, 2020, in accordance with the District's policies and procedures.

REPORTING REQUIREMENT 1: By **September 17, 2020**, the District will provide OCR a copy of the District's response to the Complainant's September 9, 2019 grievance in accordance with paragraph 1 of this Agreement.

2. The District will provide the Complainant a letter with instructions for how to file an internal discrimination grievance claim with the District. Should the Complainant elect to file an internal grievance claim regarding any alleged actions the District took during the 2019-20 school year, the District agrees to not dismiss the complaint due to untimeliness and will respond to the complaint in conformity with the District's grievance policies.

REPORTING REQUIREMENT 2: By **September 17, 2020**, the District will provide OCR a copy of the letter provided to the Complainant in accordance with paragraph 2 of this agreement.

3. The District will provide the Complainant a letter with assurances that the District will limit the persons copied on any correspondence regarding Student's educational records to those persons who need to know and that the District agrees to obtain permission from the Complainant prior to the District discussing or sharing any educational information about the Student with anyone from the Complainant's place of employment.

REPORTING REQUIREMENT 3: By **September 17, 2020**, the District will provide OCR a copy of the letter provided to the Complainant in accordance with paragraph 3 of this agreement.

TRAINING

4. By **October 19, 2020**, the District will provide training on the District’s grievance procedures and the anti-discrimination and anti-retaliation requirements of Section 504 and Title II, to District administrators. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to disability discrimination, and the District’s grievance procedures. The training will include the following:
 - a) The general anti-discrimination and anti-retaliation provisions of Section 504 and Title II.
 - b) The District’s Section 504/ADA Grievance Procedures.
 - c) The District’s anti-discrimination and retaliation grievance procedures.

REPORTING REQUIREMENT: By **October 26, 2020**, the District will provide to OCR documentation showing it has completed the training required above. The documentation must identify:

- a) the date of the training;
- b) the topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
- c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and
- d) the name, title, and work location of each employee who attended the training (a sign-in sheet or attendance log with the attendees’ names, titles, and work locations is sufficient).

The District 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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR’s review and approval. Further, the District understands that during the monitoring of this Agreement, if necessary, 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 of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR will close this 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 proceedings 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.

Superintendent

Date