

RESOLUTION AGREEMENT
Greene County Public Schools
OCR Complaint No. 11-17-1568

Greene County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-17-1568 (Complaint). This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.¹

Action Item A: Significant Assistance Procedure/Guidance

1. The Division will issue written guidance stating that it will not provide significant assistance to any agency, organization or person that discriminates on the basis of disability in providing before and/or after school care to Division students. The Division will comply with any applicable policies and state and federal laws, prior to the revocation of any significant assistance to an agency or organization providing before and/or after school care to Division students. Examples of significant assistance may include, but are not limited to, the following: use of Division buildings/facilities, custodial services, food services, and professional development.
2. The Division will provide notice to the current XXXX (Program) of the written guidance stated in Action Item A(1), and also will routinely provide this notice whenever any agencies, organizations, and persons seek to operate a before and/or after school care program in the future that would receive significant assistance from the Division.

Reporting Requirements:

- a. By September 30, 2018, prior to distribution of notice of the guidance as outlined in Action Item A(1) and (2) above, the Division will provide to OCR for review and approval, a draft of the guidance.
- b. Within 20 school days after OCR's review and approval of the draft procedure or guidance, the Division will issue the notice of the guidance to current and potential before/after school program agencies and relevant Division personnel.
- c. Within 10 school days after the Division provides notice in accordance with the above, the Division will provide documentation to OCR that it provided such notice.

Action Item B: Ruckersville Enrichment Program (Program)

1. The Division will notify the Program that in order to maintain its relationship with the Division, the Program:

¹ The Division does not intend to create an agency relationship or a joint or integrated enterprise between the Division and the Program for the purposes of employment or claims of tortious liability.

- a. Is obligated to respond to requests for disability accommodations in a manner that is consistent with the Division’s policies regarding non-discrimination and that complies with the regulations implementing Section 504 and Title II;
 - b. Cannot, on the basis of disability, exclude qualified individuals with disabilities from participation in, deny them the benefits of, or otherwise discriminate on the basis of disability in its services, programs, or activities;
 - c. Must provide its services and activities in a manner affording individuals with disabilities an equal opportunity to participate; and must make reasonable modifications in its practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability unless to do so would fundamentally alter the nature of the service, program, or activity;
 - d. Cannot place a surcharge on individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids and services that are required to provide the individuals with nondiscriminatory treatment; and
 - e. Must notify its participants and beneficiaries, such as students and parents/guardians, through its publicity materials and its website, the process for anyone who wishes to request accommodations for a disability or to file a complaint about disability-related discrimination by the Program.
2. The Division will appoint a Division employee knowledgeable about Section 504 and Title II to monitor the Program’s compliance with Section 504 and Title II. The employee will:
- a. Request from the Program and review information about all requests for accommodations the Program receives from students or other qualified parties seeking to participate in Program activities during the 2018-2019 school year;
 - b. Verify that the requirements of Action Item B(1) are met;
 - c. Require the Program to provide to its staff training on the requirements of those laws and their implementing regulations as they pertain to nondiscrimination and the provision of accommodations, as well as how the Division’s policies regarding non-discrimination and the provision of accommodations apply, presented by a person knowledgeable about Section 504 and Title II. The Division will request the Program provide the Division with documentation that the training has been conducted, including the dates, attendance sign-in sheets, the name and qualifications of the trainer(s), and copies of outlines or handouts provided to the Program; and
 - d. Require the Program to notify its participants and beneficiaries, such as students and parents/guardians, about the process to request accommodations for a disability and file a complaint about disability-related discrimination by the

Program through any published rules and regulations, any publicity materials, and its website (if any).

3. Should the Division find that the Program is unwilling or unable to comply with non-discrimination laws, the Division will (i) demand the Program provide the necessary accommodations to ensure the Program does not discriminate against individuals with disabilities within a reasonable period of time or (ii), in the event the Program fails to comply after the demand, cease to provide “significant assistance,” as specified in 34 C.F.R. §104.4(b)(1)(v), to the Program.

Reporting Requirements:

- a. By October 30, 2018, the Division will submit documentation to OCR to verify that Action Item B(1) has been implemented, including a copy of the memorandum or other notification the Division disseminated to the Program regarding the obligations identified in Action Item B(1).
- b. By January 30 and June 30, 2019, the Division will submit documentation related to the implementation of Action Item B(2), including:
 - i. A copy of any requests for accommodations the Program submitted to the Division, verification that the Division employee completed a review of the documentation, and a list of steps that the employee took to address concerns, if any, identified by the review;
 - ii. A description of the steps the employee has taken to verify the Program has complied with Action Item B(1), as referenced in Action Item B(2), and has not discriminated on the basis of disability;
 - iii. A copy of the Division’s request for training information from the Program, and the materials submitted by the Program, including:
 - i. The date(s), attendance sign-in sheets;
 - ii. The name and qualifications of the individual(s) trainers; and
 - iii. Copies of the outlines and all handouts for the trainings provided to the Program.
 - iv. Documentation demonstrating that 1) the Program has notified its participants and beneficiaries of its obligations under Section 504 and Title II, as referenced in Action Item B(1)(e) and Action Item B(2)(d), including a copy of all notices or links to websites, individuals, and 2) the Division reviewed the Program’s notification to verify compliance with Section 504 and Title II.

Action Item B shall be effective only for so long as the Division provides significant assistance to the Program.

Action Item C: Administration of Medication

The Division will advise the Program or other before and/or aftercare program operating in the Division of its responsibility to provide for the administration of medication during field trips and after-school activities. The Division will direct that any before and/or after school programs

operated by the Division include in their medication policy and forms that they will make medications accessible to qualified students with disabilities who require medication during before/after school program hours, or on an emergency basis, and that any recommendations to arrange to have a student take medication outside of program hours is strictly voluntary and not a requirement of the program.

Reporting Requirement:

By October 30, 2018, the Division will provide OCR with documentation that the Program, or other before and/or aftercare program operating in Division facilities with significant assistance from the Division, has secured the necessary license to administer emergency medication to students with disabilities.

Action Item D: The Complainant/Student

1. The Division will direct the Program to reimburse the Complainant for any registration or other fees paid to the Program during the 2017-2018 school year that are proven to be paid and unreimbursed.
2. If the Complainant seeks to enroll the Student in the Program for the 2018-2019 school year, the Division will direct the Program (1) to enroll the Student and (2) to provide necessary accommodations for him to participate in the Program for the 2018-2019 school year.

Reporting Requirements:

- a. By October 30, 2018, the Division will document that the Program has reimbursed the Complainant any and all proven unreimbursed fees paid to the Program during the 2017-2018 school year.
- b. By October 30, 2018, the Division will provide documentation that the Program has (1) admitted the Student to the Program for the 2018-2019 school year, and (2) arranged to provide the Student with appropriate accommodations referred to in Action Item D(2), if applicable.

The Division 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 Division understands that during the monitoring of this Agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement. Upon the Division's satisfaction of the commitments made under this Agreement, OCR will close this case.

The Division 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 will give the Division written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: _____
Dr. Andrea Whitmarsh
Superintendent
Greene County Public Schools