

**Resolution Agreement**  
**Indian Hill Exempted Village School District**  
**OCR Docket #15-14-1106**

The Indian Hill Exempted Village School District (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 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, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. In furtherance of this obligation, and while expressly denying any and all liability with respect to the allegations in the complaint, the District agrees to take the following actions:

**ACTION STEPS – Individual Remedies**

1. By **April 1, 2015**, the District will send a letter to the Student's parent(s) notifying him/her that should the Student re-enroll at the District for the 2014-2015 school year, the District will reconvene the Student's Section 504 team to determine what modifications, if any, are necessary to its xxxxxxxxxxxx policy for any disability-related xxxxxxxx and to address what other services, if any, the Student may need as a result of disability-related xxxxxxxx. The Student's parents will be invited to the meeting or will otherwise be given a meaningful opportunity to provide input into the decisions. The Section 504 team will modify the Student's Section 504 plan, as necessary, basing its determinations on currently available evaluation data and any additional information gathered by the District or that the parents wish to provide. The District will notify the Student's parents, in writing, of the District's decisions regarding any changes to the Student's Section 504 plan. The District will also notify the Student's parents in writing of their procedural safeguards, which includes the right to challenge any decisions with which they disagree through a due process hearing.

**REPORTING REQUIREMENTS:** By **April 1, 2015**, the District will provide OCR with a copy of the letter sent to the Student's parent.

By **May 31, 2015**, the District will notify OCR of whether the Student re-enrolled in the District. If the Student has re-enrolled in the District, the District will, by **May 31, 2015**, submit documentation to OCR to demonstrate its implementation of Action Step #1 above, including: the Student's Section 504 team's report from the meeting showing when the team met, who was present, what was discussed, the team's decisions, and the basis for those decisions; any revisions made to the Student's Section 504 plan; and a copy of the notification sent to the Student's parents.

2. By **April 1, 2015**, the District will provide the Student's parent(s) with a written notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree. The parents shall be advised in writing that they have the right to challenge the decision of the Student's Section 504 team on xxxxxxxx xxx xxxxx through a due process hearing.

**REPORTING REQUIREMENTS:** By **April 1, 2015**, the District will provide OCR with documentation to demonstrate its implementation of Action Step 2 above, including: documentation showing that procedural safeguards and a written notice to the Student's parents, of their right to challenge the Section 504 team decision, were provided to them. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. § 104.36.

3. By **April 1, 2015**, the District will investigate and notify the Student's parent, in writing, of the outcome of its investigation of the Student's parent's complaints to the District on xxxxxxxx x xxx xxxxxxxxx xxx xxxx of discrimination based on disability. The District's written notification to the Student's parent will include: a statement explaining the allegation(s) of disability discrimination investigated by the District; a statement of the legal standard the District applied in analyzing the evidence obtained; explanation of the District's findings following its investigation; and, if applicable, any remedies provided to the Student or other actions taken by the District.

**REPORTING REQUIREMENT:** By **April 1, 2015**, the District will provide OCR with a copy of the written notification issued to the Student's parent(s).

#### **ACTION STEPS – District-wide Remedies**

4. By **April 1, 2015**, the District will revise its Section 504 grievances procedures, which are included in its "Guidelines on Equal Educational Opportunity for Disabled Students Under Section 504" and any other procedures intended to address complaints under Section 504 and/or Title II to include the following:
  - a. Written notice to both parties of the outcome of the investigation.
  - b. An assurance that the District will take steps to prevent recurrence of any harassment or other discrimination, and to correct discriminatory effects on the complainant and others, if appropriate.

**REPORTING REQUIREMENT:** By **April 1, 2015**, the District will submit to OCR the revised procedures as described in Action Step 4 for review and approval.

5. Within 60 school days of the District's receipt of the OCR-approved revised procedures, the District will:
  - a. Adopt and implement the OCR-approved revised procedures, publish them on its website, and include them in its student and employee handbooks, if any. The District may add inserts to any existing handbooks and distribute those inserts to students and employees until such time as the hard copy handbooks may be appropriately updated. The District will ensure that any District documents that are inconsistent with the revised procedures are updated or removed.

- b. Notify students, parents, and guardians of the revised procedures and where a copy may be obtained by means that are designed to reach each student, parent, and guardian. Such means could include placing a notification in any regularly issued District newsletters or bulletins or sending a notice or a copy of revised procedures home with each student.
- c. Provide a copy of the revised procedures to all District staff and administrators.
- d. Provide training by a competent authority on Section 504 on the District's obligations to students with disabilities under Section 504 and the revised procedures to all District administrators, teachers and staff. The training should include, but not be limited to, the requirements of: (1) reconvening the Student's Section 504 team when concerns arise about the attendance of a Student with a disability; (2) providing notice of procedural safeguards, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services; (3) conducting an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; and, (4) providing written notice to the parties of the outcome of the complaint.

**REPORTING REQUIREMENT:** Within 60 school days of the District's receipt of the OCR-approved revised procedures, the District will submit information to OCR documenting implementation of Action Step 5, including: a description of the means used to provide notice to students, parents, and guardians of the District's revised procedures and copies of any notices issued; the link to the procedures on the District's website; verification that any inconsistent District documents were revised or removed; documentation that copies of the procedures were distributed to District staff and administrators; the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); and sign-in sheets showing the names and job titles of all persons who attended the training.

### **General Requirements**

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.33, 104.34, 104.35, 104.36, and 104.7(b) and the Title II implementing regulation at 28 C.F.R. §§ 35.130(a) and 35.130(b)(7), which were at issue in this case.

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. 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 Section 504 and its implementing regulation at 34

C.F.R. §§ 104.4, 104.33, 104.34, 104.35, 104.36, and 104.7(b), and the Title II implementing regulation at 28 C.F.R. §§ 35.130(a) and 35.130(b)(7).

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

/s/

02/10/2015

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Superintendent or Designee

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Date