

**Resolution Agreement
Benton Carroll Salem Local School District
OCR Docket #15-14-1156**

The Benton Carroll Salem Local School District (the District) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and with 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. The District agrees to take the following actions:

Action Steps

Action Step 1- By December 1, 2014, the District will develop a procedure by which a printed copy of the morning announcements, along with any flyers, applications, or other documents pertaining to middle school and District activities and events, are provided to the families of each student in the xxxxxxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxx classroom operated at the District's middle school. Each school day, all relevant documents will be placed in the mailbox of the xxxxxxxxxxxxxxxx classroom teacher. The teacher will then place the documents in each student's backpack.

Reporting Requirement for Action Step 1

By December 15, 2014, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1 above, including the specific details regarding the procedure that was developed.

Action Step 2- By December 1, 2014, the principal of the District's middle school will issue a written directive to all Oak Harbor Middle School staff explaining the procedure that was developed as required in Action Step 1 and that the procedure must be followed on a daily basis.

Action Step 3- By December 1, 2014, the District will issue a written directive to all Oak Harbor Middle School and High School administrators and special education staff that the Students cannot be excluded from any elective or "special" classes, including, but not limited to, art, music, home economics, health and physical education unless such an exclusion is decided by the Students' IEP teams and reflected in the Students' IEPs.

Reporting Requirements for Action Steps 2 and 3

By December 15, 2014, the District will provide OCR with a copy of both written directives that are to be issued pursuant to Action Steps 2 and 3.

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 the regulations implementing Section 504 at 34 C.F.R. § 104.4(a) and 34 C.F.R. § 104.34(a) and (b), and Title II at 28 C.F.R. § 35.130(a), 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, 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 Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., and its implementing regulations at 28 C.F.R. Part 35.

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/

Superintendent or Designee

11/7/14

Date