

The superintendent and the Board of Education will employ a process in order to effectuate the following prior to the beginning of the 2015-2016 school year:

3. The District will develop and submit to OCR for review Section 504 Procedural Safeguards and Section 504/Title II grievance procedures. The Section 504/Title II grievance procedure will be revised to comply with the requirements of the Section 504 regulation at 34 C.F.R. § 104.7(b) and the Title II regulation at 28 C.F.R. § 35.107(b). The grievance procedure will incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or Title II, including disability-based harassment. At a minimum, Policy 2260: Non-discrimination and Access to Equal Educational Opportunity will be revised to:
 - a) Consistently state the timeline for filing a complaint;
 - b) permit grievances to be filed by any members of the District community (students, parents, employees, third parties);
 - c) clearly state that the informal resolution procedure will not be used where inappropriate; and
 - d) grant both parties the right to representation.

Policy 2260.01B, Section 504/ADA Parents' Procedural Rights, Including Due Process Hearing will be revised to:

- a) include information regarding who an individual should contact to file mediation or due process complaint; and
 - b) include the contact information for the District's Section 504 Coordinator(s).
4. Following the District's receipt of the OCR-approved Section 504 and Title II grievance procedure and procedural safeguards, the Board of Education, in accordance with its Bylaws, will take the necessary steps to review and adopt Board Policy 2260, Non-discrimination and Access to Equal Educational Opportunity and Board Policy 2260.01B, Section 504/ASA Parents' Procedural Rights, Including Due Process Hearing. The District will also notify all parents, students, and employees of the newly revised procedures and procedural safeguards and will post them on its website (in a manner that is searchable by the site's search engine). The notification shall occur by written correspondence, email, or both and shall further provide information of where the grievance procedure is located on its website and, alternatively, where they may request or obtain a written copy of the procedure.

Reporting Requirement: Once the Board of Education has completed the necessary steps to adopt Policies 2260 and 2260.01B, the District will submit, within fourteen (14) days of adoption or no later than August 15, 2015, the aforementioned Policies to OCR.

Reporting Requirement: Within 60 calendar days of receiving OCR-approved Section 504/Title II grievance procedure, and procedural safeguards the District will submit information to OCR documenting the implementation of Item 4 of this Agreement, including copies of the

written notification issued to parents, students, and employees and the link to the procedures on the District's website.

Training

5. Within 60 calendar days of adopting the revised grievance procedures and procedural safeguards, the District will provide training to its Section 504/Title II coordinator(s) and other staff involved in the identification, evaluation, and placement of students with disabilities about the revised procedural safeguards and grievance procedures developed pursuant to items 3 and 4 of this Agreement. In addition, the training will also focus on any other dispute resolution procedures the District uses to comply with Section 504 requirements.¹

Reporting Requirement: Within 60 calendar days of receipt of the OCR-approved approved Section 504/Title II grievance procedure, and procedural safeguards, the District will submit information to OCR documenting the date(s) of the trainings; the identify and qualifications of each person delivering the trainings; and the name and job title of all persons who attend the training(s).

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. Part §§ 104.3, 104.7(a-b), 104.8(a), 104.33, 104.34, 104.35 and 104.36; and Title II and its implementing regulation at 28 C.F.R., §§ 35.107(a) and 35.130(a) and (b), which were at issue in this case.

The District understands that, by signing this agreement, they agree 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

¹ 34 C.F.R. § 104.36 indicates that compliance with the procedural safeguards of IDEA is one way of meeting Section 504's requirement for procedural safeguards. It is OCR's understanding that District utilizes the dispute resolution procedures contained in "Whose IDEA Is This? A Parent's Guide to the Individuals with Disabilities Education Improvement Act of 2004." As such, the training should focus on those procedures as well.

