

RESOLUTION AGREEMENT
Buckeye Valley Local School District
OCR Docket # 15-14-1318

The Buckeye Valley Local School District (the District) submits the following agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure compliance with 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 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35. The District agrees to take the following actions:

ACTION STEPS – Individual Remedies

1. By May 4, 2015, the District will convene the Student's Section 504 team (the Team), including the Student's parent(s), the school's Section 504 case manager and relevant teachers to determine whether the District properly evaluated the Student for a Section 504 plan during the xxxxxxxxx and xxxxxxxxx school years, and if not, whether any failure to do so resulted in a denial of a free and appropriate public education (FAPE) to the Student. The Team will, at a minimum, consider whether the Student was evaluated by a group of knowledgeable persons about the student as well as about the placement options and whether the Section 504 plan, as written, was sufficiently specific so as to ensure a suitable placement and proper implementation to meet the individual needs of the Student. Should the Team determine that the Student was denied FAPE, the Team will then take the following actions:
 - a. Determine what, if any, compensatory education or other remedial services the Student requires for the time period when she was denied FAPE.
 - b. Develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary pursuant to Item 1(a) above, which plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom, and when, and will become part of the Student's Section 504 plan. The District will invite the Student's parent(s) to participate in the Team meetings, and in the event that the Student's parent(s) is/are unable to attend, the District will provide the Student's parent(s) with a meaningful opportunity to provide input, written notice of any determinations made, and 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.

REPORTING REQUIREMENTS: By May 4, 2015, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1 above, including: documentation showing when the Team met, who was present, what was discussed, the Team's decisions, and the bases for those decisions; copies of any meeting minutes; a copy of any plan developed for the Student; documentation of any input provided by the Student's parent(s) and showing that procedural safeguards were provided to them; and

any other documentation relevant to the determinations reached in accordance with Action Step 1 above. Should the District determine that either the Student was not denied FAPE or that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for those determinations, along with any supporting documentation. 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. §§ 104.34, 104.35 and 104.36, in making these determinations.

By June 30, 2015, if the Team determined that compensatory education or other remedial services were necessary, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education or other remedial services, including the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, and the name(s) and title(s) of the service provider(s).

2. By May 4, 2015, the District will designate an individual who will review and compile a written report, for OCR's review and approval, of the steps it took during its investigation of the Complainant's internal grievances, filed on xxxxxxxxxxx xxx xxxxx to ensure that the District's response fully complied with 34 C.F.R. § 104.7 and will propose steps the District will take to remedy any deficiencies identified. At a minimum, the report should address whether the District took the following steps:
 - a. The District provided notice to the complainant of the District's grievance procedure, including where complaints may be filed;
 - b. The District conducted an adequate, reliable and impartial investigation of the grievances, including the opportunity to present witnesses and other evidence;
 - c. The District followed designated and reasonably prompt timeframes for the major stages of the complaint process;
 - d. The District provided notice to the parties of the outcome of the complaint;
 - e. The District provided an assurance that it will take steps to prevent recurrence (of any harassment) and to correct discriminatory effects on the complainant and others, if appropriate;
 - f. The District communicated to the complainant its prohibition against retaliation; and
 - g. The District provided information to the complainant about its appeal procedure.

REPORTING REQUIREMENTS: By May 4, 2015, the District will report to OCR who at the District will be responsible for completing Action Step 2.

By June 30, 2015, the District will submit to OCR for review and approval the written report required by Action Step 2 and supporting documentation verifying that the steps were taken. Verifying documentation should include notes from interviews, copies of emails or notes of conversations showing that the Complainant was apprised of certain procedural rights and any other documentation the District uses to compile the report. Within 30 days of OCR's review and approval of the report, the District will submit to OCR verification that it has taken any steps deemed necessary to remedy any deficiencies identified with the District's original response to the Complainant's complaints.

ACTION STEPS – District-wide Remedies

3. By June 30, 2015, the District will develop and submit to OCR for review a Section 504/Title II grievance procedure 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, the grievance procedure will include:
 - a. notice of the name and/or position title, office address, telephone number, and e-mail address for the individual(s) designated to ensure the District's compliance with Section 504 and Title II, and an alternate person for circumstances where that person is alleged to have been involved in discrimination;
 - b. notice to students, parents, and employees of the procedure for filing a complaint, including how, where, and with whom complaints may be filed;
 - c. notice that the procedure applies to complaints of disability discrimination (including harassment) raised against employees, students, or third parties;
 - d. adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence;
 - e. to the extent that the procedure includes an informal process, clearly state that the informal process is voluntary;
 - f. designated and reasonably prompt timeframes for major stages of the complaint process;
 - g. written notification to the parties of the outcome of the investigation;
 - h. an assurance that the District will take steps to prevent recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate;
 - i. contain a prohibition against retaliation which prohibits the District or others from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504 or Title II or because an individual has made a complaint, testified, assisted, or

participated in any manner in an investigation, proceeding, or hearing under those laws; and

- j. current contact information for the Office for Civil Rights (Office for Civil Rights, U.S. Department of Education, 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44113, Telephone: (216) 522-4970, Facsimile: (216) 522-2573, E-mail: OCR.Cleveland@ed.gov), and clarification that a complaint may be filed with OCR at any time, regardless of internal District procedures.

REPORTING REQUIREMENT: By June 30, 2015, the District will submit to OCR for review its Section 504/Title II grievance procedure.

4. Within 60 calendar days of the District's receipt of the OCR-approved grievance procedure, the District will:
 - a. Adopt and implement the OCR-approved grievance procedure, publish it on its website, and include it 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.
 - b. Notify students, parents, and guardians of the revised grievance procedure 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 the procedure home with each student.
 - c. Provide a copy of the revised grievance procedure to all District staff and administrators.
 - d. Provide training by a competent authority on the District's obligations to students with disabilities under Section 504 and the grievance procedure to all District personnel responsible for identifying, evaluating, and placing students with disabilities.
 - e. Provide its Section 504 Coordinator, and any District staff, administrators or other personnel who will be directly involved in processing, investigating, and/or resolving complaints of disability discrimination, or who will coordinate the District's Section 504 and Title II compliance, with training on the District's Section 504 grievance procedure, how to investigate a complaint of discrimination or harassment, how to remedy the discriminatory effects on students, and how to effectively prevent the recurrence of disability discrimination or harassment when it is found to have occurred.

REPORTING REQUIREMENT: Within 60 calendar days of the District's receipt of the OCR-approved grievance procedure, the District will submit information to OCR documenting implementation of Action Step 4, including: a description of the means used to provide notice to students, parents, and guardians of the District's revised grievance procedure and copies of any notices issued; the link to the grievance procedure on the

District’s website; verification that any inconsistent District documents were revised or removed; documentation that copies of the procedure were distributed to District staff and administrators; the date(s) of the trainings; a copy of the training agendas; copies of training materials used; the name, title, and qualifications of the person(s) who provided the trainings; and sign-in sheets showing the names and job titles of all persons who attended the trainings.

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 in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33-104.36 and § 104.7(b) and Title II and its implementing regulation at 28 C.F.R. § 35.107(b), 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 fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.33-104.36 and § 104.7(b) and Title II and its implementing regulation at 28 C.F.R. § 35.107(b).

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/

04/06/15

Buckeye Valley Local School District
Superintendent or Designee

Date