

**Resolution Agreement**  
**Ohio Department of Education**  
**OCR Docket #15-14-4013**

The Ohio Department of Education (ODE) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), 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.* (Title II), and its implementing regulation at 28 C.F.R. Part 35, and to resolve the above-referenced complaint. Accordingly, ODE agrees to take the following actions:

**I. Individual Remedy**

Within 30 days of the effective date of this Agreement, ODE will send a letter to the Student's parent(s) notifying them of the changes ODE will make pursuant to this Agreement [redacted content]. [redacted sentence].

**Reporting Requirements:**

- Within 10 calendar days of sending the letter, as required in Item I, ODE will provide OCR with the letter sent to the Student's parent(s) and documentation [redacted content].
- Within 45 days of sending of the letter, ODE will provide OCR with information or documentation regarding the parent(s)' response, if any, redacted content].

**II. Section 504/Title II Coordinator and Notice of Nondiscrimination**

- A. Within 30 calendar days of the effective date of this Agreement, ODE will designate an individual responsible for coordinating ODE's compliance with Section 504, in accordance with the Section 504 implementing regulation at 34 C.F.R. § 104.7(a).
- B. Within 30 calendar days of the effective date of this Agreement, ODE will draft and submit to OCR for its review and approval a revised notice of nondiscrimination meeting the requirements of 34 C.F.R. § 104.8 and 28 C.F.R. § 35.106 stating that it does not discriminate on the basis of disability in violation of Section 504 or Title II in its services, programs, and activities, including in admission or access to, or treatment, or employment in such services, programs, and activities. The notice will include the name or title, office address, and telephone number of the employee(s) ODE has designated to coordinate its Section 504 and Title II compliance.
- C. Within **60 calendar days** of OCR's approval of ODE's revised notice of nondiscrimination, and on a continuing basis, ODE will publish the revised notice on the home page of its website and in all printed and electronic materials and publications containing general information that it makes available to participants, beneficiaries, applicants, or employees. For existing printed materials and publications, ODE may

meet this requirement by including appropriate inserts until reprinting. ODE will remove any conflicting or outdated notices from its website and other materials.

### **Reporting Requirements:**

- Within 10 days of designating an individual, as required by Item II.A above, ODE will submit to OCR information demonstrating that it has designated an individual responsible for coordinating its compliance with Section 504.
- Within the time specified in Item II.B above, ODE will submit the draft revised notice of nondiscrimination, as required by Item II.B above.
- Within **60 calendar days** of OCR's approval of ODE's revised notice of nondiscrimination required by Item II.B above, ODE will provide OCR with documentation verifying that it has published the revised notice pursuant to Item II.C above. This will include links to the ODE website pages and publications that include the revised notice; a list of the printed publications in which the revised notice of nondiscrimination is published and note where inserts are being used pending reprinting, and a copy of at least one such publication; and a list of web pages and materials from which ODE removed any conflicting or outdated notices.

### **III. Section 504 and Title II Grievance Procedures**

- A. Within 60 days of the effective date of this Agreement, ODE will draft and submit to OCR for review and approval grievance procedures for addressing complaints alleging any violation of Section 504 and/or Title II, including complaints alleging discrimination based on disability in any ODE service, program, or activity, that comply with the requirements of the Section 504 and Title II implementing regulations at 34 C.F.R. § 104.7(b) and 28 C.F.R. § 35.107(b). The grievance procedures will state where and how complaints may be filed and the name or title, office address, and telephone number of the ODE employee(s) designated pursuant to Action Item II.A above to coordinate ODE's efforts to comply with Section 504 and Title II. To ensure that the grievance procedures incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints, the procedures will also, at a minimum, provide for the following:
1. notice of the procedures to the public, including students, parents, customers, and employees;
  2. an opportunity for an adequate, reliable, and impartial investigation;
  3. reasonably prompt timeframes for the various stages of the complaint process;
  4. notice of the outcomes of the complaint to the parties; and
  5. an assurance that any violations will be addressed, and steps will be taken to prevent a recurrence.
- B. Within **60 calendar days** of OCR's approval of the above-referenced grievance procedures, ODE will adopt the OCR-approved procedures through ODE's standard

policy approval procedures. ODE will then prominently publish the OCR-approved grievance procedures on its website and provide a link to the grievance procedures on the portions of its website that provide information regarding ODE’s scholarship programs. ODE will also provide notice of where the procedures may be found in any informational and application materials it publishes regarding its scholarship programs.

#### **Reporting Requirements:**

- Within 60 days of the effective date of this Agreement, ODE will submit to OCR for review and approval the draft grievance procedures pursuant to Item III.A.
- Within **60 calendar days** of receipt of the OCR-approved grievance procedures, ODE will submit documentation to OCR verifying its implementation of Action Item III.B. This will include documentation demonstrating that the new grievance procedures have been adopted; a link to where the grievance procedures are posted on ODE’s website; and copies of any publications regarding its scholarship programs.
- Within **210 calendar days** of receipt of the OCR-approved grievance procedures, ODE will provide OCR with copies of any complaints alleging disability discrimination filed with ODE under the grievance procedures. ODE will also provide documentation regarding its investigation into each complaint, including but not limited to copies of investigative reports, witness interview memoranda, investigator notes, evidence submitted by the parties or otherwise obtained by the investigator, notice of the outcome of the investigation issued to the parties, and documentation showing any action steps taken in response to findings that discrimination occurred.

#### **IV. Training**

Within **90 calendar days** of receipt of the OCR-approved grievance procedures pursuant to Item III.A above, ODE will provide training for all ODE’s employees regarding the procedures. Specifically, the training will:

1. Provide a general orientation to Section 504 and Title II and their implementing regulations.
2. Specifically address each of the items listed in Item III.A.1 through III.A.5.
3. Address the responsibility of each ODE employee to report incidents or allegations of disability discrimination, and the procedures for doing so.
4. Be conducted by a person knowledgeable and trained regarding these subjects. OCR may be available upon sufficient advance request to assist with the portion of the training concerning Section 504 and Title II regulatory requirements, although not concerning ODE’s procedures.

#### **Reporting Requirement**

Within **90 calendar days** of receipt of the OCR-approved grievance procedures, ODE will submit to OCR documentation verifying its implementation of Item IV, including the

date(s) and time(s) when the training was held; the location where the training was held; the name, title, and qualifications of the individual who conducted the training; a copy of a sign-in sheet for attendees that lists the name and title of each attendee; a copy of the training agenda; and a copy of any training materials used or distributed during the training.

**General Requirements**

ODE understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give ODE written notice of the alleged breach and 60 calendar days to cure the alleged breach.

ODE understands that OCR will not close the monitoring of this Agreement until OCR determines that ODE has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

The Agreement will become effective immediately upon the signature of the ODE representative below.

/s/

09/12/2023

\_\_\_\_\_  
Superintendent of Public Education or Designee

\_\_\_\_\_  
Date