

Resolution Agreement
Rocky River School District
OCR Docket #15-15-1034

The Rocky River 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. The District agrees to take the following actions:

ACTION STEPS – District-wide Remedies

1. By **October 30, 2015**, the District has agreed to discontinue its use of Administrative Guideline 9160C-Section 504/ADA-Complaint Procedures Related to Accessibility of District Facilities. The District will revise Board Policy 2260.01-Section 504/ADA Prohibition Against Discrimination Based on Disability—to comport with the requirements of the Section 504 and Title II regulations at 34 C.F.R. § 104.7(b) and 28 C.F.R. § 35.107(b). The revised complaint procedures will, at a minimum:
 - a. clearly state the availability of the procedures to all individuals who wish to file a complaint of disability discrimination, and clearly state the application of the procedures to complaints alleging discrimination carried out by employees, other students, or third parties
 - b. clearly state that both parties have the opportunity to identify witnesses and other evidence;
 - c. provide for written notice to both parties of the outcome of the investigation of the complaint as well as any appeal; and,
 - d. afford both parties to the complaint any opportunity to appeal.
2. The District has provided to OCR a copy of its Administrative Guideline 9160A – Accessibility of District Facilities. By **October 30, 2015**, the District will revise this Guideline and submit it to OCR for its review and approval, to ensure that the District’s communications with persons with disabilities, including applicants, participants, members of the public, and companions with disabilities, are as effective as its communications with others. The revised Guideline shall include, at a minimum, the following
 - a. a title that reflects that the Guideline concerns effective communication for persons with disabilities;
 - b. the name (or title) and contact information for the District Section 504/ADA Compliance Officers and the Building Compliance Officers;
 - c. a statement that auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability;

- d. a provision that effective communications also apply to all of a student’s school-related communications and allow the individual with a disability to access the information presented; and
 - e. a notice that parents do not have to make a specific request for different or additional auxiliary aids to ensure effective communication. The District has an affirmative obligation to provide effective communication under Title II, whether or not a parent requests specific auxiliary aids and services under Title II and whether or not the District is fully implementing the auxiliary aids and services pursuant to a student’s Section 504 plan.
3. Within 90 calendar days of the District’s receipt of the OCR-approved procedures referenced in Action Steps 1 and 2 above, the District will:
- a. Adopt and implement the OCR-approved procedures, publish them on its website, and include a reference to them in its student and employee handbooks, if any. 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 OCR-approved 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 the procedures home with each student.
 - c. Provide a copy of the procedures to all District staff and administrators.
 - d. Provide additional training to all District staff responsible for handling complaints of disability discrimination pursuant to the revised grievance procedures on how to conduct an investigation involving disability discrimination pursuant to Section 504 and Title II.

REPORTING REQUIREMENTS: By **October 30, 2015**, the District will submit its revised disability discrimination complaint procedures and effective communication procedures pursuant to Action Steps 1 and 2 above to OCR for review and approval.

Within 90 calendar days of the District’s receipt of the OCR-approved procedures, the District will submit information to OCR documenting implementation of Action Step 3, including: a description of the means used to provide notice to students, parents, and guardians of the OCR-approved 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; a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training; and sign-in sheets showing the names and job titles of all persons who attended each training.

By **June 30, 2016**, the District will submit copies of all complaints received under the revised disability discrimination grievance procedures for the 2015-2016 school year, and documentation of its investigation and resolution of each complaint.

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. § 104.7(b) and the Title II implementing regulation at 28 C.F.R. §§ 35.107(b) and 35.160(a) and (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 has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.7(b), and the Title II implementing regulation at 28 C.F.R. §§ 35.107(b) and 35.160(a) and (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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or Designee

__09/28/2015_____
Date