

**Resolution Agreement**  
**Muskegon City School District**  
**OCR Docket No. 15-15-1215**

Muskegon City School District (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to 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 regulations at 28 C.F.R Part 35. This Agreement is being voluntarily submitted by the District under Section 302 of OCR's *Case Processing Manual* and before the completion of OCR's investigation and any issuance of findings.

By entering into this Agreement, the District does not make an admission that it or any of its staff or agents violated any District, state or federal statute, rule, policy or regulation. Rather, the District's decision to enter into this Agreement is indicative of its desire to compromise and amicably resolve the allegations raised in the complaint. The agreement is in no way intended to be, nor should it be construed as, an admission by the District or finding by OCR that the District, its staff or its agents engaged in any discrimination or other unlawful conduct. The District agrees to do the following:

1. By November 30, 2015, the District will develop and submit to OCR for review and approval Section 504/Title II grievance procedures which 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 email address for individual(s) designated to ensure the District's compliance with Section 504 and Title II;
  - 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 identify witnesses and other evidence;
  - e. designated and reasonably prompt timeframes for the major stages of the complaint process;
  - f. written notification to the parties of the outcome of the investigation;

- g. 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;
- h. contain a prohibition against retaliation which prohibits the School 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

If the District includes contact information for the U.S. Department of Education, Office for Civil Rights, it will ensure that the contact information is current.

**REPORTING REQUIREMENT:** By November 30, 2015, the District will submit to OCR for review and approval its Section 504/Title II grievance procedures.

- 2. Within 60 calendar days of receipt of the OCR-approved grievance procedures, the District will adopt and implement the procedures. The District will also notify all parents, students, and employees of the revised procedure and will post the procedure on its website. The notification shall occur by written correspondence, email, or both, and shall provide information of where the grievance procedure is located on its website and, alternatively, where an individual may request or obtain a written copy of the procedure. The District will further certify that it has reviewed all of its existing policies and procedures that cover disability-based harassment (e.g., the District's policy on bullying and the Student Code of Conduct) to ensure that they are consistent, or, to the extent necessary, withdrawn, so as to eliminate confusion for students and staff.

**REPORTING REQUIREMENT:** Within 60 calendar days of receipt of the OCR-approved grievance procedure, the District will submit information to OCR documenting the implementation of Item 1, including copies of the written notification issued to parents, students, and employees and the link to the procedures on District's website.

### **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 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 regulations at 28 C.F.R Part 35, 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 Title II.

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 sixty (60) calendar days to cure the alleged breach.

/s/

9-21-15

\_\_\_\_\_  
Superintendent or designee

\_\_\_\_\_  
Date