

**Resolution Agreement  
Madison Public Schools  
OCR Docket #15-13-1271**

The Madison Public Schools (the District) voluntarily submits this Resolution 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, 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, and to resolve the above-reference complaint. Accordingly, the District agrees to take the following actions:

**Action Steps**

**A. District-wide Remedies**

1. By January 24, 2014, the District will make the revisions to its Section 504 and Title II policies and procedures listed in the attached Appendix, and submit them to OCR for its review and approval.
2. Within 45 calendar days of receiving written approval from OCR of the revised Section 504 and Title II policies and procedures referenced in the Appendix, the District will adopt and implement the policies and procedures. The District will notify all parents, students, and employees of the newly revised policies and procedures developed pursuant to Item 1 of this Agreement and will post those policies and procedures on its website. The notification shall occur by written correspondence, email, or both and shall further provide information regarding where the policies and procedures are located on its website and, alternatively, where persons may request or obtain a written copy of such documents.
3. Within 60 calendar days of adopting the revised Section 504 and Title II policies and procedures, the District will provide training on the revised procedures to its Section 504/Title II coordinator(s), the principals of the District's elementary school(s), and other District staff involved in the identification, evaluation and placement of students with disabilities, and with the processing of disability-related grievances. The District will also arrange a time for OCR to provide training to the staff referenced above on Section 504 and Title II's requirements regarding the identification, evaluation, and placement of students with disabilities, as well as training on issues related to the discipline of students with disabilities.

**REPORTING REQUIREMENT:** By January 30, 2014, the District will submit to OCR for review the revised procedures referenced in item 1. Within 60 calendar days of receiving OCR's approval of the revised procedures, the District will submit documentation that it has adopted the revised procedures, as well as documentation that it provided notice of the revised procedure to parents, students, and employees as required by item 2 above, and the link to the procedures on the School's website.

Within 60 calendar days of receipt of the OCR-approved procedures, the District will submit information to OCR documenting the date(s) of the training(s) required by item 3 above; the identity and qualifications of each person delivering the training(s); and the names and job titles of all persons who attended the training(s). This information is not required for the portion of the training OCR provides.

**General Requirements**

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement 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. §§ 104.32, 104.33, and 104.35 and Title II and its implementing regulation at 28 C.F.R. § 35.130, which were at issue in this case.

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. §§ 104.32, 104.33, and 104.35 and Title II and its implementing regulation at 28 C.F.R. § 35.130.

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/

11/21/2013

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

\_\_\_\_\_  
Date

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**APPENDIX**

**Madison Public Schools – Section 504 Manual for Identifying and Servicing Eligible Students: Policies, Guidelines and Forms**

1. Under the Grievance Procedure Section on page 11, the District will provide the name (or title) and contact information (address, phone number and email address) for the Section 504 Coordinator.
2. Under the Grievance Procedure Section on page 11 the District will provide the proper address for OCR: 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115. The rest of the information provided, e.g., phone number and fax, are still correct.
3. FORM L – entitled “Section 504 Grievance Procedure” the District will specify in the opening paragraph that the grievance procedure covers complaints of disability discrimination.
4. FORM L – The District will provide the name (or title) and contact information for the Section 504 Coordinator, i.e., the individual with whom complaints should be filed.
5. FORM L – The District will add a statement that if District determines that disability discrimination has occurred, it will take immediate and appropriate action to address the discrimination and prevent it from reoccurring.
6. Form M – The District will add a sentence stating that Section 504 prohibits disability discrimination.
7. Form M – The District will add a statement that the complainant may provide the names of witnesses and may submit any additional relevant evidence.
8. Form M – The District will add the name (or title) and contact information for the person to submit complaints to.

**Board of Education Policy 2260.01 – Section 504/ADA Prohibition Against Discrimination Based on Disability**

1. On page two, the District will amend the definition of individual with a disability with respect to vocational education services to clarify that a qualified person with a disability is an individual with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity *with or without disability-related academic adjustments, modifications, and/or auxiliary aides or services*.

2. On page 2-3, the District will indicate where individuals can obtain a copy of the complaint procedure. The District should include a reference to where the complaint procedure is on the District's website, or provide the contact information for the office where individuals can obtain a copy.
3. The District will ensure that the name (or title) and contact information for the Section 504/ADA Compliance Officer/Coordinator is consistent with what is provided in the District's Section 504 Manual referenced above.

**Madison District Special Education Referral Process**

1. The District will include a brief discussion of when students will be evaluated under Section 504, as students who qualify under Section 504 may also be eligible for special education.

**Madison District Public Schools – Child Study Procedure Leading to Special Education Referral**

1. The District will include a sentence stating that at any time in the process, if a disability is suspected, the District will refer the student for an evaluation pursuant to IDEA and/or Section 504, depending on what is appropriate for the particular student.