

**RESOLUTION AGREEMENT  
JACKSON R-II SCHOOL DISTRICT  
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07141010**

The Jackson R-II School District (District), Jackson, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegations against the District in OCR Docket No. 07141010, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35. Prior to the completion of OCR's investigation, the District asked to resolve allegations in the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, and to resolve the allegations of this complaint and any other issues identified by OCR during the course of its investigation of this complaint, the District voluntarily agrees to take the following actions:

**I. GENERAL PROVISIONS**

- A. This Agreement resolves the allegation in OCR Docket No. 07141010 and does not constitute an admission by the District of any violation of Section 504, Title II, or any other law.
- B. This Agreement shall become effective upon the District's receipt of a letter from OCR advising the District that this Agreement resolves the allegations raised in this complaint.
- C. OCR agrees to discontinue its investigation of OCR Docket No. 07141010 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegations in this case and any other issues identified by OCR during the course of its investigation.
- D. 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.
- E. 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 the regulations implementing Section 504 and Title II.

- F. 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 the regulations implementing Section 504 and Title II, which were at issue in these cases.

## II. RESOLUTION PROVISIONS

- A. By October 1, 2014, the District will conduct training for District staff regarding the District's obligation under Section 504, including:
- a. the definition of an individual with a disability and which students are entitled to services under Section 504;
  - b. the requirement that students with disabilities be provided a free appropriate public education (FAPE);
  - c. when a new or further evaluation of a student with a disability is required;
  - d. the District's procedural safeguards;
  - e. the necessity to conduct an evaluation prior to significant changes in placement, including change to a more restrictive setting (including homebound) or a disciplinary removal; and
  - f. the prohibition against retaliatory acts against individuals who have complained of discrimination or harassment, participated in any investigation or otherwise participated in the resolution of a complaint of harassment or discrimination, or opposed a discriminatory or harassing practice, procedure, or activity.

### REPORTING REQUIREMENT:

By October 15, 2014, the District will provide OCR documentation showing it has completed the training described above. The documentation must identify: (a) the date and location of the training; (b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and a copy of the materials disseminated at the training); (c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and (d) the name and work location of each District administrator or employee who attended

the training (a sign-in sheet with the attendees' names and work locations is sufficient). OCR is available to provide technical assistance and training to the District upon the District's request.

- B. Within 15 days of signing this agreement, the District will send a letter to the complainant notifying her that upon her son's re-enrollment in the District and after receiving the complainant's consent, the District will begin an reevaluation of her son to determine whether he is eligible to receive services as a student with a disability and the appropriate placement for her son and, if appropriate, provide regular or special education and related aids and services to her son. The District will complete the reevaluation within the timelines for reevaluations stated in the Missouri State Plan for Special Education. The reevaluation will consider whether her son is entitled to compensatory education, and if he is, develop a plan detailing how those services will be provided. In addition, the letter will include the name and contact information of an individual in the District the complainant may contact regarding any concerns she has with the evaluation, placement, or implementation of any placement decisions or behavior intervention plan regarding her son. The District will, at a minimum, comply with the procedures listed in the regulation implementing Section 504 at 34 C.F.R. § 104.35(b), (c), and (d). Specifically, the District will:
- a) ensure that tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
  - b) ensure that tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;
  - c) ensure that tests are selected and administered so that the test results accurately reflect the complainant's son's aptitude, achievement or other characteristic, rather than impaired sensory, manual or speaking skills;
  - d) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
  - e) ensure that information obtained from all such sources is documented and carefully considered;
  - f) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the complainant's son, the meaning of the evaluation data, and the placement options;

- g) ensure that the placement decision is made to educate or provide for the education of the complainant’s son with nondisabled children to the maximum extent appropriate to the needs of her son; and
- h) provide the complainant with notice of her procedural safeguards regarding the evaluation and placement decisions.

**REPORTING PROVISIONS:**

Within 30 days of signing this agreement, the District will provide OCR with a copy of the letter to the complainant notifying her that if she reenrolls her son in the District the District will reevaluate her son as required by item II.B.

If the complainant reenrolls her son in the District within sixty (60) days of the date of the above letter, the District shall notify OCR within ten (10) days of the date the complainant’s son is reenrolled. Within fifteen (15) days after the completion of the reevaluation, the District will provide OCR with a description of all the information the District considered in its reevaluation of the complainant’s son, the names and titles of the individuals who participated in the reevaluation and in the meeting with the complainant to consider the results of the reevaluation, and a copy of the letter or notice advising the complainant of the results of her son’s reevaluation.

          /s/ Dr. Ron Anderson            
Dr. Ron Anderson, Superintendent  
Jackson R-II School District  
Jackson, Missouri

  4/16/2014    
Date