

## **RESOLUTION AGREEMENT**

### **Kanawha School District**

### **OCR No. 03-16-1023**

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination based on disability, the Kanawha School District (the District) voluntarily enters into this Resolution Agreement and makes the following commitments to OCR. This Agreement does not constitute an admission of liability by the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

### **ACTION STEPS**

1. The District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a free appropriate public education to each qualified student with a disability in its jurisdiction. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement Section 504 Plans for students with disabilities. Further, the District recognizes its evaluation and placement obligations under the regulation implementing Section 504 at 34 C.F.R. §§ 104.35 and 104.36. By May 1, 2016, the District will disseminate a memorandum (this memorandum can be sent electronically) to all staff and administrators at the XXXXXXXX in the District, reminding them of these obligations under Section 504.

### **Reporting Requirements:**

- a) Within thirty (30) days of sending the memo to School staff and administrators, the District will provide OCR with a copy of the memo and proof that it was distributed along with a list of recipients, by name or title.

XXX- paragraph redacted -XXX

### **Reporting Requirements:**

XXX- paragraph redacted -XXX

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the recipient understands that, during the monitoring of the 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 the Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.35 and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b), that were at issue in this case. The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.35 and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b), that were at issue in this case.

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/  
\_\_\_\_\_  
Kanawha School District  
Superintendent or Designee

4/14/16  
\_\_\_\_\_  
Date