

RESOLUTION AGREEMENT
Kiel Area School District
OCR Case No. 05-18-1203

The Kiel Area School District (District) enters into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-18-1203. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131–12134, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination based upon disability in any education program or activity receiving Federal financial assistance from the Department of Education or offered by a public entity, respectively.

STAFF TRAINING

- 1) By October 15, 2018, and on an annual basis thereafter, the District will provide to all staff members (including teachers, administrators, and paraprofessionals) training on the District's policies against discrimination and harassment on the basis of disability. The training will include, at a minimum:
 - a) The District's prohibition of discrimination and harassment on the basis of disability;
 - b) The duty of all employees to report any such discrimination or harassment of which they have knowledge;
 - c) The manner in which employees should report discrimination and harassment;
 - d) The District's obligation to stop disability harassment of which it becomes aware, prevent its recurrence, and, as appropriate, remedy its effects on the affected student(s);
 - e) The District's complaint procedure for disability discrimination and harassment, and the procedures by which the District investigates complaints of disability discrimination and harassment; and
 - f) The range of options available to the District to remedy the effects of disability harassment on the affected student(s).

REPORTING REQUIREMENT: By October 31, 2018, District will submit to OCR documentation demonstrating its compliance with item 1 of the Agreement, including information on the date(s) of training, the material covered, copies of any materials distributed during the training, and the steps taken by the District to ensure that any staff who did not attend the training received training at another time.

INDIVIDUAL REMEDIES

- 2) By September 15, 2018, the District will convene a group of persons knowledgeable about Student A, including the Complainant, to determine whether Student A requires compensatory services, remedial services, and/or counseling services for the time period

during the 2017-18 academic year when he allegedly was harassed on the basis of disability. The group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond May 1, 2019.

REPORTING REQUIREMENT: By September 30, 2018, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in item #2, including efforts to obtain the Complainant’s participation, an explanation for decisions made, and a description of and schedule for providing any compensatory, remedial, and/or counseling services to Student A. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36. By December 15, 2018, the District will submit to OCR an explanation, along with supporting documentation, of when and how any compensatory, remedial, and/or counseling services were provided, when they were provided, and who provided them.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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, 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, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 34. Upon the District’s completion of the obligations under this Agreement, OCR shall close and dismiss 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

Superintendent or designee

Date