

RESOLUTION AGREEMENT

West Memphis School District
OCR Complaint Number 06131710

The West Memphis School District (District) agrees to implement the following Resolution Agreement (Agreement) to resolve an allegation in the above referenced complaint, which was opened for investigation by the U. S. Department of Education (Department), Office for Civil Rights, (OCR) pursuant to 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. The District is committed to complying fully with Section 504 and Title II, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. The signing of this Agreement by the District does not constitute an admission by the District that it has violated Section 504 or Title II.

Action Item 1: The District will provide to parents of students with disabilities written notice of the prohibitions against retaliation under Section 504 and Title II. The District will also include in each of the District's Student Handbooks written notice of the prohibitions against retaliation under Section 504 and Title II.

Reporting Requirement 1: By December 15, 2017, the District will submit to OCR, for review and approval, the document that will be used to notify parents of the prohibition against retaliation and the statement to be included in the Student Handbooks.

Reporting Requirement 2: By March 15, 2018, the District will submit to OCR evidence (e.g., parent signature) that the document is being distributed to parents of students with disabilities.

Reporting Requirement 3: By July 16, 2018, the District will submit to OCR evidence (e.g., pages from the published Student Handbooks) that the notice regarding retaliation has been printed in each of the District's Student Handbooks.

Action Item 2: By March 5, 2018, the District will provide in-service training to all District staff (teachers, counselors, administrators) on: (1) the Notice rights of parents regarding the identification, evaluation, and educational placement of students with a disability; and (2) the District's obligation under Section 504 and Title II to refrain from retaliation, pursuant to which the District may not harass, coerce, intimidate, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the civil rights laws enforced by OCR or because any person has made a complaint, testified, or participated in any manner in an OCR investigation or proceeding.

Reporting Requirement 4: Within ten (10) calendar days after the conclusion of the training, the District will submit documentation to OCR for confirmation that it has fully complied with Action Item 2. Such documentation will include:

- a. Name and title of the trainer(s) and information about the trainers' qualifications;
- b. The date and time the training was held;
- c. The training/presentation materials (showing content specified in Action Item 2);

- d. The handouts provided to trainees; and
- e. A copy of the sign-in sheet from the training, including the name, title, date and signature of each attendee that was received the training.

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 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 statutes and regulations 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 statutes and regulations 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 the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For West Memphis School District:

Mr. Jon Collins, Superintendent
West Memphis School District

Date