

Resolution Agreement
Kauffman Leadership Academy
OCR Complaint No. 06181094

The U.S. Department of Education, Office for Civil Rights (OCR) and the Kauffman Leadership Academy (KLA) enter into this resolution agreement (Agreement) to resolve the above-referenced complaint. The KLA assures OCR it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), 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 which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. This Agreement does not constitute an admission by the KLA that it discriminated or otherwise engage in any wrongdoing.

Prior to the completion of OCR's investigation, the KLA agreed to resolve the complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the KLA agrees to take the following actions:

ACTION ITEM I

The KLA will provide information to OCR in connection with a training session for KLA students regarding disability-based harassment. The training will include instruction on what type of conduct constitutes disability-based harassment, the KLA policies and procedures that prohibit said conduct, and resources available to students who witness or experience said conduct. The training will also include the appropriate contact information for staff members to whom students and parents may report allegations of disability-based harassment. The training will be created by one or more individuals knowledgeable about the KLA's obligations under Section 504 and Title II, and may be delivered to KLA students in person or in an electronic format.

REPORTING REQUIREMENTS

By September 13, 2018, the KLA must provide OCR, for its review and approval, the training materials reflecting the topics described in Action Item I that include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a description of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

Within sixty (60) calendar days after OCR approves the training-based information described in Action Item I, the KLA will conduct the training approved by OCR. The training must be provided to all KLA students.

Within ten (10) calendar days after conducting the final training session in accordance with Action Item I, the KLA will provide OCR with documentation demonstrating the

training session has been completed in accordance with the requirements of this Agreement.

ACTION ITEM II

The KLA will provide information to OCR in connection with a training session for KLA teachers, administrators, counselors, and employees responsible for implementing Section 504 and Title II (KLA Staff) regarding its obligations under Section 504 and Title II to promptly and equitably respond to allegations of disability-based harassment. The training will include information about policies and procedures relevant to disability-based harassment. The training will be created by one or more individuals knowledgeable about the KLA's obligations under Section 504 and Title II, and may be delivered to KLA Staff in person or in an electronic format.

REPORTING REQUIREMENTS

By September 13, 2018, the KLA must provide OCR, for its review and approval, the training materials reflecting the topics described in Action Item II that include, but shall not be limited to, the credentials of the individual(s) selected to conduct the training, a proposed plan for the training session (e.g., length of the training session, topics to be considered, etc.), and a description of the training materials to be used by the trainer(s) and/or provided to attendees during the training session.

Within sixty (60) calendar days after OCR approves the training-based information described in Action Item II, the KLA will conduct the training approved by OCR. The training must be provided to all KLA Staff.

Within ten (10) calendar days after conducting the final training session in accordance with Action Item II, the KLA will provide OCR with documentation demonstrating the training session has been completed, including a sign-in sheet containing the signatures and titles of all attendees, the materials used during the training, and any other information indicating that the training sessions were conducted in accordance with the requirements of this Agreement.

ACTION ITEM III

By **September 30, 2018**, after providing proper written notice to the Student's parent or guardian, the KLA will convene a Section 504 committee meeting to determine whether the Student needs compensatory and/or remedial services as a result of the KLA XX--phrase redacted--XX during the 2017-2018 school year. If the Section 504 committee determines the Student needs compensatory and/or remedial services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **February 1, 2019**. The KLA will provide the Student's parent or guardian notice of procedural safeguards including the right to challenge the committee's determination through an impartial due process hearing.

REPORTING REQUIREMENTS

Within ten (10) calendar days after the Section 504 committee’s decision regarding the Student’s need for compensatory and/or remedial services, the KLA will submit documents supporting the group’s decision to OCR. The documentation submitted will include documentation identifying the participants in the meeting, an explanation of decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services to the Student, if any. OCR will review the documentation to determine whether the KLA has met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.35 and 104.36.

If the KLA determines the Student is entitled to compensatory and/or remedial services, the KLA will provide to OCR, by **February 1, 2019**, documentation of the dates, times, and locations that any compensatory and/or remedial services were provided. The documentation shall include a description of the services provided and the name(s) of the providers.

The KLA 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 the Agreement. Further, the KLA understands that during the monitoring of the Agreement, if necessary, OCR may visit the KLA, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the KLA’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The KLA further understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the KLA 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 KLA’s representative below.

/s/

Dr. Theresa Kauffman, Superintendent
Kauffman Leadership Academy

Date