

RESOLUTION AGREEMENT
School District of Kansas City #33
Docket Number 07131143

The School District of Kansas City, #33 d/b/a Kansas City Public Schools (KCPS), Kansas City, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve this complaint that was filed under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (USC) § 794 and its implementing regulation at 34 Code of Federal Regulations (CFR) Part 104; and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §12131 and its implementing regulation at 28 C.F.R. Part 35. This Agreement addresses the complainant's allegation that the KCPS denied her son, a student with a disability (XXXXX, XXXXX, and XXXXX/XXXXX), a free appropriate public education (FAPE) by failing to evaluate him to see if he qualified for special education or related services when it had reason to suspect that he had a disability.

This Agreement is only intended to address those legal issues that are included in the Agreement; it is not intended to and should not be interpreted to address any other issues or the KCPS's compliance with other provisions of the Department's Section 504 and Title II regulations or any other regulations enforced by OCR.

Nothing herein shall be deemed to be an admission or acknowledgement by KCPS that it has violated Section 504, Title II, any other law that OCR enforces, any Federal or State law or regulation, or that KCPS has otherwise treated the complainant or her son unlawfully.

KCPS agrees to take the following actions:

1. By November 11, 2013, the KCPS will notify the complainant in writing that it will conduct a Section 504 evaluation of her son and, if the evaluation determines he is a qualified person with disabilities under Section 504, make a placement decision for him.

REPORTING REQUIREMENT: By November 18, 2013, the KCPS will provide OCR a copy of the written notification to the complainant.

2. The KCPS's evaluation of the complainant's son will be conducted in a manner consistent with the requirements of the Section 504 regulation at 34 C.F.R. § 104.35 and include the interdisciplinary team's consideration of whether or not he is entitled to compensatory education and/or a behavior intervention plan. The complainant will be part of the interdisciplinary team convened to consider the evaluation data and placement options.

REPORTING REQUIREMENT: Within two weeks of the completion of the interdisciplinary team meeting the KCPS will provide OCR with a list of the names and titles of the individuals who participated in the meeting, a copy of the documents the team considered, a copy of any notes or summary of the meeting, and a copy of the written notification to the complainant of the results of the evaluation and team meeting that includes the complainant's procedural safeguards required by 34 C.F.R. § 104.36.

3. By November 11, 2013, the KCPS will remove language in its Section 504 Procedural Manual indicating there must be an educational impact in order for students to receive services under Section 504.

REPORTING REQUIREMENT: By November 18, 2013, the KCPS will provide OCR with a copy of the revised Section 504 Procedural Manual.

4. By August 29, 2013, the KCPS will conduct training for its principals, assistant principals, counselors, and building-level 504 coordinators regarding the KCPS's obligations under Section 504, the revised Section 504 Procedural Manual, and the KCPS's 504 policies and procedures.

REPORTING REQUIREMENT: By September 5, 2014, the KCPS will provide OCR with the date(s) of training, the training agenda, the name, title, and qualifications of the person or persons who conducted the training, and a sign in sheet with the name, title, and work location of the staff who attended the training required by item 4.

The KCPS understands that OCR will not close the monitoring of this Agreement until OCR determines that the KCPS 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 35, that were at issue in this case.

The KCPS 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 KCPS understands that during the monitoring of this Agreement, if necessary, OCR may visit the KCPS, interview staff and students, and request such additional reports and data as are necessary for OCR to determine whether or not the KCPS has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, that were at issue in this case.

The KCPS 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 KCPS written notice of the alleged breach and a minimum of 60 (sixty) calendar days to cure the alleged breach.

/s/ R. Stephen Green

11/12/13

Dr. R. Stephen Green
Superintendent of Schools
School District of Kansas City #33
d/b/a Kansas City Public Schools (KCPS)

Date