

RESOLUTION AGREEMENT
Warrensburg R-VI School District
OCR Docket Number 07131167

The Warrensburg R-VI School District (District), Warrensburg, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the complainant's allegations in OCR Docket No. 07131167. The District, as a recipient of Federal financial assistance and a public entity, is subject to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35.

The complainant alleged the District subjected her son to different treatment on the basis of his disabilities by requiring him to take prerequisite courses prior to enrolling in an auto body class offered by the Warrensburg Area Career Center (WACC), and discriminated against her son on the basis of disability by prohibiting him from enrolling in a basic welding course offered by the WACC. The District voluntarily agreed to resolve the complaint prior to the conclusion of OCR's investigation into the complaint allegations. The District enters into this Agreement for the sole purpose of amicably resolving this complaint and does not admit liability or wrongdoing of any type.

The District agrees to take the following actions:

SECTION 504 MANUAL & 504 PARENT/STUDENT RIGHTS FORM

1. The District will ensure that the Section 504 Parent/Student Rights form included in its Section 504 Manual and the Section 504 Parent/Student Rights form it distributes to parents and guardians contain the correct name and/or title, address, and telephone number for the employee(s) responsible for coordinating the District's compliance efforts under Section 504.

REPORTING REQUIREMENT: By April 1, 2014, the District will revise its Section 504 Parent/Student Rights forms so they comply with item 1 of this Agreement and provide OCR both a copy of the form as it appears in the District's 504 Manual and a copy of the form it distributes to parents and guardians.

2. The District will remove all language from its Section 504 Handbook stating or implying that individuals who are currently engaged in the use of alcohol are not eligible for a Section 504 evaluation and are not considered disabled under Section 504.

REPORTING REQUIREMENT: By April 1, 2014, the District will revise its Section 504 Manual to comply with item 2 of this Agreement and will provide OCR a copy of the revised Manual.

SECTION 504 GRIEVANCE PROCEDURE & SECTION 504 PROCEDURAL SAFEGUARDS

3. The District will revise its *Section 504 Grievance Procedure*, Regulation 1310, to ensure that it provides for the prompt and equitable resolution of complaints made by or on behalf of students alleging discrimination, including harassment, on the basis of disability. The revised *Section 504 Grievance Procedure* must include:
 - (a) an explanation of how to file a complaint under the procedures, including where and in what manner complaints can be filed;
 - (b) provisions for the adequate, reliable, and impartial investigation of complaints, including the opportunity for all parties involved to present witnesses and other evidence;
 - (c) reasonable, set time frames for major stages of the complaint process, including the District's process for extending the time frames;
 - (d) a requirement that written notification will be given to the parties of the outcome of the complaint;
 - (e) an assurance that the District will take steps reasonably calculated to prevent the recurrence of discrimination and to remedy the discriminatory effects of discrimination of which it has notice; and
 - (f) the name or title, address, and telephone number of the employee(s) responsible for coordinating the District's nondiscrimination compliance efforts under Section 504.

REPORTING REQUIREMENT: By May 1, 2014, the District will submit its revised *Section 504 Grievance Procedure* to OCR for its review and approval.

4. Within 60 calendar days of receiving written approval from OCR that its *Section 504 Grievance Procedure* satisfies item 3 of this Agreement, the District will adopt and implement the procedure, post the procedure on its website in a section accessible to students and parents, and start including the approved procedure in new and reprinted copies of its student handbook(s).

REPORTING REQUIREMENT: Within 30 calendar days of posting its OCR-approved *Section 504 Grievance Procedure* on its website, the District will provide OCR the electronic address for the specific webpage on which the procedure is posted.

REPORTING REQUIREMENT: By August 1, 2014, the District will provide OCR a copy of its 2014-15 student handbook(s).

5. By April 1, 2014, the District will revise its *Equal Education Opportunity/Section 504 Procedural Safeguards (504 Procedural Safeguards)*, Regulation 2110, to include the correct address for the Kansas City OCR Office:

U.S. Department of Education
Office for Civil Rights
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, Missouri 64106

6. The District will revise the due process appeal procedures included in its *504 Procedural Safeguards*, Regulation 2110, to ensure that they provide eligible students, parents, and legal guardians a reasonable amount of time (not less than 90 calendar days) to request a 504 due process hearing to challenge actions the District proposes or refuses under Section 504 regarding the identification, evaluation, program, or placement of a student with a disability.

REPORTING REQUIREMENT: By April 1, 2014, the District will submit its revised *504 Procedural Safeguards* to OCR for its review and approval.

7. Within 60 calendar days of receiving written approval from OCR that its *504 Procedural Safeguards* satisfy items 5 and 6 of this Agreement, the District will adopt and implement the revised *504 Procedural Safeguards* and post the *504 Procedural Safeguards* on its website in a section accessible to students and parents.

REPORTING REQUIREMENT: Within 30 calendar days of posting its OCR-approved *504 Procedural Safeguards* on its website, the District will provide OCR the electronic address for the specific webpage on which the procedures are posted.

8. The District will ensure that parents/guardians of all students currently receiving services through Section 504 plans will be provided a copy of the District's revised *504 Procedural Safeguards* as soon as reasonably possible.

EMPLOYEE TRAINING REGARDING SECTION 504

9. By June 30, 2014, the District will provide training regarding Section 504 to counselors, administrators, and special education coordinators at Warrensburg High School and to the WACC director. At a minimum, the training must address:
 - (a) Section 504's prohibition against discrimination, including harassment, on the basis of disability;
 - (b) Section 504's prohibition against excluding a student with a disability from a class or educational program offered by the District, including but not limited to classes and programs provided by the WACC, based on stereotypes or assumptions about the student's ability level rather than an individualized assessment of the student's actual skills and abilities;
 - (c) what District employees should do if a student, parent, or legal guardian complains of disability discrimination by a District student, employee, or third party;
 - (d) Section 504's prohibition against retaliating against a student or other individual who files a complaint alleging disability discrimination or participates in a Section 504 complaint investigation; and
 - (e) whom to contact with questions about the District's process for addressing complaints made by or on behalf of students alleging discrimination on the basis of disability discrimination.

REPORTING REQUIREMENT: The District will provide OCR documentation by July 15, 2014, showing it has provided the training session required by item 9 of this Agreement. The documentation must include:

- (a) the date, time, and location of the training;
- (b) the topics addressed at the training;
- (c) copies of handouts distributed to the training participants;
- (d) the name(s), and title(s) of the individual(s) who conducted the training; and
- (e) one or more sign-in sheets with the name, title, and work location of each employee who participated in the training.

WACC COURSE DESCRIPTION GUIDE

10. The District will revise the description in its WACC Course Description Guide for the WACC's *Auto Collision Technology I* and *Auto Collision Technology II* classes to include the requirements for being admitted to the classes (e.g., include the requirement that students be recommended for the classes by a high school counselor and/or administrator) and will post the revised Guide on its website in an area accessible to students and parents.
11. The District will revise its WACC Course Description Guide to clearly state that the community education classes offered by the WACC are restricted to individuals 18 years old and older who are no longer enrolled in high school and will post the revised Guide on its website in an area accessible to students and parents.

REPORTING REQUIREMENT: By May 1, 2014, the District will provide OCR a copy of its WACC Course Description Guide with the revisions required by items 10 and 11 of this Agreement, and the electronic address for the specific webpage on which the Guide is posted.

INDIVIDUAL REMEDIES

12. The District will develop a plan for providing the complainant's son a total of 10 hours of individualized instruction during the remainder of the 2013-14 school year and/or during summer 2014 regarding tools used in the WACC's *Auto Collision Technology I* class. The individualized instruction may be offered in the form of Extended School Year (ESY) services. The District's plan will include a description of, or examples of, the type(s) of instructional activities the District intends to use with the complainant's son, e.g., the provision of written instructional materials, demonstrations performed by an instructor, videotapes, field trips, hands-on activities, etc. The District is not required to provide instruction regarding all of the tools covered in the *Auto Collision Technology I* class and may limit the complainant's son's hands-on use of power tools to the degree necessary to protect his safety and the safety of others.

REPORTING REQUIREMENT: By March 7, 2014, the District will submit the plan it developed to satisfy item 12 of this Agreement to OCR for its review and approval.

13. Within 30 days of receiving OCR's approval of the plan developed pursuant to item 12 of this Agreement, the District will offer the complainant's son the option of receiving the individualized tool instruction described in the plan. The District will communicate its offer to the complainant in writing. If the complainant's son opts to receive the 10 hours of individualized instruction, the District will complete the individualized instruction by May 15, 2014, and will document when the instruction

occurred, who provided the instruction, and what specific tools the instruction covered.

REPORTING REQUIREMENT: By July 1, 2014, the District will provide OCR documentation showing it has complied with item 13 of this Agreement.

14. The District will allow the complainant's son to enroll in *Basic Welding* and/or any other community education classes offered by the WACC after the complainant's son graduates from high school, regardless of whether the complainant's son is receiving ESY services at the time, on the same basis as other members of the community. The District will issue the complainant a letter by June 1, 2014, informing her that her son is eligible to enroll in any community education classes offered by the WACC, on the same basis as other members of the community, after he graduates from high school.

REPORTING REQUIREMENT: By July 1, 2014, the District will provide OCR documentation a copy of the letter it issued to the complainant to comply with item 14 of this Agreement.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the regulations implementing Section 504 and Title II at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130, respectively, which were at issue in this case.

The District 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 District understands that during the monitoring of this Agreement, if necessary, 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 and Title II at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130, respectively, which 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/ Scott Patrick
Dr. Scott Patrick, Superintendent
Warrensburg R-VI School District

2-11-14
Date