

**RESOLUTION AGREEMENT
ORAN R-III SCHOOL DISTRICT
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07131218**

The Oran R-III School District (District), Oran, Missouri, voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the allegations contained in Complaint No. 07131218 (Complaint) that was filed under 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 District submits this Agreement to resolve OCR Docket No. 07131218 and issues identified by OCR during the course of its investigation, pursuant to Section 302 of OCR's *Case Processing Manual*. Because the District voluntarily submitted, and OCR accepted, the Agreement prior to the conclusion of OCR's investigation, OCR has made no findings of fact or law and has not issued a final determination with respect to allegations in the complaint.

The District agrees to take the following actions:

Section 504/Title II Policies and Procedures

1. The District shall review, and if necessary, revise Section 504 and Title II policies and procedures related to the identification, evaluation and placement of students with disabilities to ensure compliance with the regulations implementing Section 504, specifically 34 C.F.R. § 104.33 - *Free Appropriate Public Education*; 34 C.F.R. § 104.35 – *Evaluation and Placement*; and 34 C.F.R. § 104.36 – *Procedural Safeguards*; and with the Americans with Disabilities Act Amendments Act of 2008 (ADA Amendments Act) which broadened the definition of a qualified individual with a disability. OCR is available to provide technical assistance to the District upon request.

Reporting Requirement: Within 60 calendar days of signing this Agreement, the District shall provide OCR a copy of the proposed Section 504 policies and procedures related to students with disabilities for review and approval.

2. Within 60 calendar days of receiving OCR's approval of its proposed Section 504 and Title II policies and procedures developed pursuant to item 1 of the Agreement, the District shall adopt, publish and disseminate the OCR approved 504 and Title II policies and procedures developed pursuant to item 1 of this Agreement using its standard methods for disseminating new information, policies, or procedures that impact the District's student population (such as including the information on the District's website and in student handbooks).

Reporting Requirement: Within 30 calendar days after taking action to appropriately publish and disseminate the policies and procedures developed pursuant to item 1 of this Agreement, the District will provide OCR with links to the information, if available in electronic format, or copies of publications including the approved policies and procedures related to the identification, evaluation and placement of students with disabilities, which demonstrate completion of item 2.

Procedural Safeguards

3. By May 1, 2014, the District will review, and if necessary, revise procedural safeguards which comply with the Section 504 regulation at 34 C.F.R. § 104.36. Specifically, the procedural safeguards will:
 - a. detail how and when the District will notify the parents or guardians of District students of the District’s Section 504 procedural safeguards, and how the District will maintain documentation indicating the parents or guardians have been informed of the Section 504 procedural safeguards;
 - b. provide an opportunity for the parents or guardians of the student to examine relevant records;
 - c. provide an impartial hearing relating to decisions involving the identification, evaluation and placement of students with disabilities, including the opportunity for participation by the student’s parents or guardians and representation by counsel; and
 - d. provide eligible students, parents or guardians a reasonable amount of time not less than 90 calendar days to request a Section 504 impartial 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 June 1, 2014, the District will provide to OCR for review and approval copies or links to the information (if it is available on the District’s website) of its notice of procedural safeguards, required in item 3 of this Agreement.

4. Within 60 calendar days of receiving approval from OCR of its Section 504 procedural safeguards, the District will formally adopt the procedural safeguards and disseminate the revised procedure to District staff members and administrators through the District’s electronic communications system (email). Additionally, the District will ensure the Section 504 procedural safeguards are readily available to all students, parents, guardians, and other appropriate individuals by either distributing

an insert containing the procedure for requesting an impartial hearing or including the information in its student/parent handbooks and/or District website.

Reporting Requirement: By September 1, 2014, the District will provide OCR with documentation demonstrating implementation of item 4 of this Agreement.

Identification and Training for Section 504 Coordinator

5. The District will designate at least one person to coordinate its efforts to comply with Section 504, as required by 34 C.F.R. §104.7(a) and will ensure that this individual is identified consistently in its policies and procedures regarding disability discrimination, specifically, its notice of nondiscrimination, grievance procedures, Section 504 policies and procedures, and website if applicable.

Reporting Requirement: Within 30 calendar days of signing this Agreement, the District will confirm to OCR with the name, title and contact information of the individual designated to serve as the District's Section 504 coordinator.

6. By August 31, 2014, the District will ensure the identified Section 504 coordinator receives training on his or her responsibilities as the District's designated Section 504 coordinator. The training will be provided by a person knowledgeable of the Section 504 regulation and requirements.

Reporting Requirement: Within 30 calendar days of providing the Section 504 coordinator with the training identified in item 6 of the Agreement, the District will provide documentation to OCR detailing the name and credentials of the person who provided the training to the designated coordinator and the date the training was provided. The District may also submit to OCR a copy of any training materials used.

Section 504/Title II Grievance Procedure

7. By May 15, 2014, the District will review and revise as appropriate its procedure for addressing complaints of disability discrimination 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 Section 504/Title II 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, if any, 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, if discrimination is determined to have taken place, to address the causes of discrimination of which it has notice and are deemed appropriate; 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 June 1, 2014, the District will submit its Section 504 Grievance Procedure to OCR for its review and approval.

- 8. Within 60 calendar days of receiving written approval from OCR that its Section 504 Grievance Procedure satisfies item 7 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 (if applicable), and start including the approved procedure in new and reprinted copies of its student handbook(s).

Reporting Requirement: By September 1, 2014, the District will provide OCR a copy of its 2014-15 student handbook(s), which includes the OCR approved Section 504 Grievance Procedure.

Notice of Nondiscrimination

- 9. The District will revise its combined notice of nondiscrimination to ensure that it: a) specifies the bases for nondiscrimination in its education programs and activities and includes a statement that the District provides equal access to the Boy Scouts and other designated youth groups; and b) identifies by name or title, address, and telephone number the employee(s) responsible for coordinating the District's nondiscrimination compliance efforts, particularly the employee(s) responsible for coordinating the District's compliance efforts under Section 504 of the Rehabilitation

Act of 1973, the Age Act, and Title IX of the Education Amendments of 1972.¹ If more than one person is designated to coordinate compliance under these laws, the District shall specify which coordinator is responsible for each law. The individual(s) identified to coordinate compliance with the laws shall be knowledgeable of the law(s) for which s/he is responsible.

Reporting Requirement: By May 15, 2014, the District will submit a draft of its revised notice of nondiscrimination to OCR for its review and approval.

10. Within 60 calendar days of receiving written notification from OCR that its revised notice of nondiscrimination is acceptable, the District will post the approved notice on its website in an area accessible to students, parents, and employees.

Reporting Requirement: Within 30 days of posting the approved OCR notice on its website, the District will provide OCR documentation showing it has complied with item 10 of this Agreement.

Review of Individual Health Plans

11. By June 1, 2014, the District will provide OCR with a plan detailing the steps it will take to identify students currently receiving services through Individual Health Plans (IHPs), and, evaluate the appropriateness of said IHPs. As part of its review and evaluation of IHPs, the District will identify those students who, because of a physical or mental disability or suspected disability, need, or who are suspected to possibly need, regular or special education or related services. The plan will describe the steps to be taken by the District and the timeframes for completing recommended actions identified as a result of a review of an IHP. The plan shall include but not be limited to the following:

- a. The number of days after the completion of the training required under items 13 and 14 of this Agreement the District will initiate the plan.
- b. Information detailing how the District intends to provide written notice to parents/guardians of the District's obligations under Section 504 and Title II to evaluate students who because of a physical or mental disability or suspected disability need or who are believed to need regular or special education or related services. The written notice shall include:
 - i. Information explaining the definition of a qualified individual with a disability under Section 504 (i.e., students who have medical conditions (physical or mental) may, if the student has a substantial limitation of a

¹ See <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html> for a sample notice of nondiscrimination that meets the minimum requirements of the regulations enforced by OCR.

major life activity, qualify for services pursuant to Section 504). The District should consider including a link, if available, to its online Section 504 policies and procedures in the letter;

- ii. Information informing parents that their child may be eligible for accommodation under Section 504, even though the student currently receives services through an IHP;
 - iii. Information regarding the District's system of Section 504 procedural safeguards;
 - iv. The name, title and contact information for the District's Section 504/Title II coordinator; and
 - v. Contact information for parents/guardians who may have questions/concerns regarding the District's Section 504/Title II notice.
- c. Information detailing how the District intends to review the IHPs of any currently enrolled students to determine whether those students should be referred for an evaluation pursuant to the District's Section 504 policies and procedures.
- d. The process or steps the District will use to document those parents/guardians who have been advised, pursuant to this section of the Agreement, of the right for their child to be evaluated pursuant to the District's Section 504 policies and procedures and have refused such services.

Reporting Requirement: By June 1, 2014, the District will submit to OCR for approval a copy of its plan required in item 11 of this Agreement. The documentation to OCR shall include a copy of the draft letter to the parents/guardians and any enclosures to the letter.

Reporting Requirement: Upon receiving OCR's approval of the plan developed as a result of item 11 of this Agreement, the District will implement its plan. By October 1, 2014, the District shall provide OCR with a report describing the activities undertaken and completed by the District under the terms of its plan. If all activities identified in the District's plan or required by this Agreement are not completed by the end of the 2013-14 school year, quarterly updates describing the activities undertaken and completed by the District under the terms of its plan shall be provided to OCR until the District has completed all the activities identified and described in the OCR approved plan developed pursuant to item 11 of this Agreement.

Review of Section 504 Plan

12. Within 30 days of the completion of the training required under items 13 and 14 of this Agreement, the District will convene a group of persons knowledgeable about the Student and Section 504 for the purpose of reviewing the Section 504/Title II Plan developed for the Student on or about November 8, 2013 to ensure the 504 plan developed for the Student complies with the 504 policies and procedures adopted by the Board of Education pursuant to item 2 above. The parent(s) and Student will be invited to attend the meeting.

Reporting Requirement: Within 14 days of the completion of the meeting required under item 12, the District will provide OCR documentation that demonstrates implementation of item 12 of this Agreement. Specifically, the District will submit to OCR the following information: a) documentation notifying the parent(s)/Student of the meeting; b) the date and time of the meeting; c) copies of documentation or other information considered by the team during the meeting; d) notes from the meeting; e) the names and titles of the meeting participants; and f) a copy of the revised or amended Section 504 plan, if any.

Training

13. By September 1, 2014, the District will provide training on the District's OCR approved Section 504 policies and procedures, grievance procedure and procedural safeguards to all staff, administrators and other employees it deems appropriate.
14. By September 1, 2014, the District will provide training on the subject of Section 504 and Title II compliance to District officials and staff, including but not limited to, administrators or officials, teachers, paraprofessionals, counselors, nurses and any other individuals who may be involved in the identification, evaluation, and placement of students suspected of having disabilities. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II. The District commits to providing particularized training to staff regarding Section 504 and Title II on a biennial basis.² In addition to the biennial particularized training regarding Section 504 and Title II required by this paragraph, the District will include Section 504 and Title II instruction as a component of professional development training provided to District staff on an alternating biennial basis. The District's training will include the following topics and activities:

² OCR is available to provide technical assistance and training to the District upon the District's request. The District need not submit to OCR information regarding subsequent annual training sessions unless this information is requested by OCR.

- a. information regarding the District's revised notice of nondiscrimination and revised Section 504 and Title II policies, procedures, manuals and forms;
- b. the District's requirement, pursuant to the Section 504 regulation at 34 C.F.R. § 104.33(a), to provide a FAPE to all qualified students with a disability in its jurisdiction and that the provision of a FAPE is the provision of regular or special education and related aids and services as required under 34 C.F.R. §§ 104.34, 104.35, and 104.36;
- c. the District's requirement pursuant to Section 504 at 34 C.F.R. § 104.37 to provide non-academic and extracurricular services, including athletics, transportation, recreational activities and non-curriculum field trips in such a manner as is necessary to afford all students with disabilities an equal opportunity for participation;
- d. the Section 504 regulation at 34 C.F.R. § 104.3(j)(1)(i), definition of a qualified individual with a disability as any person who has a physical or mental impairment which substantially limits one or more major life activities or has a record of or is regarded as having such an impairment;
- e. the eligibility criteria under Section 504 and Title II;
- f. the District's obligation pursuant to 34 C.F.R. § 104.3 (and under 28 C.F.R. § 35.104), to consider the full range of major life activities of a qualified individual with a disability, when identifying and evaluating a student who needs or is believed to need regular or special education and related aids and services due to a disability under Section 504; and
- g. the District's Section 504/Title II evaluation process and how it interfaces with student referrals and evaluations conducted pursuant to the Individuals with Disabilities in Education Act (IDEA) and IHP processes.

Reporting Requirements: By October 1, 2014, the District will provide OCR documentation that demonstrates implementation of items 13 and 14 of this Agreement. The documentation must identify the following: a) the date, time and location of the training; b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and copy of the materials disseminated at the training); c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name, title, and work location of each District administrator or employee who attended the training (a sign-in sheet with the attendees' names, titles, and work locations is sufficient).

