

RESOLUTION AGREEMENT
Santa Fe Trail U.S.D. 434
Docket Number: 07141008

The Santa Fe Trail U.S.D. 434 (District), Carbondale, Kansas, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this complaint filed under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 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, 28 C.F.R. Part 35. The Agreement addresses the complainant's allegation that the District failed to respond to complaints that his son's XXXXX harassed him on the basis of his disability (XXXXX).

The District agrees to take the following actions:

TRAINING FOR DISTRICT EMPLOYEES

1. By September 1, 2014, the District will provide the first session of annual training to all District administrators, teachers, counselors, and staff regarding harassment on the basis of disability. The training must address, at a minimum, the following:
 - (a) The District's policies and procedures regarding discrimination and harassment on the basis of disability;
 - (b) What constitutes disability harassment;
 - (c) How to recognize disability harassment;
 - (d) How to respond to suspected or known disability harassment, including when an employee is required to report harassment and to whom the harassment should be reported;
 - (e) How to respond to student complaints of disability harassment;
 - (f) The prohibition against retaliation against any individual for advocating for an individual with a disability, filing a grievance, or participating in a disability-related grievance;
 - (g) The District employee responsible for providing responses to questions regarding disability harassment or the District's process for reporting or addressing harassment; and

- (h) The responsibility to report all disability complaints or disability harassment to the Section 504 and Title II coordinator.

REPORTING REQUIREMENT: By September 15, 2014, the District will provide OCR documentation showing it has completed the training described in paragraph #1 of this Agreement. The documentation must identify: the date, time, and location of the training; the topics addressed at the training (an outline of the training and/or copy of the materials disseminated at the training is sufficient); the name(s) and title(s), and credential(s) of the individual(s) who conducted the training; and the name, title, and work location of each individual who attended the training (a sign-in sheet with attendees' names and titles is sufficient).

- 2. By September 1, 2014, the District agrees to provide, to District employees designated to handle discrimination complaints, specialized training on investigating, resolving, documenting, and reporting such complaints.

REPORTING REQUIREMENT: By September 15, 2014, the District will provide OCR documentation showing it has completed the training described in paragraph #2 of this Agreement. The documentation must identify: the date, time, and location of the training; the topics addressed at the training (an outline of the training and/or copy of the materials disseminated at the training is sufficient); the name(s), and title(s), and credential(s) of the individual(s) who conducted the training; and the name, title, and work location of each individual who attended the training (a sign-in sheet with attendees' names and titles is sufficient).

NOTICES OF PROHIBITION OF HARASSMENT

- 3. By September 1, 2014, the District will post notices regarding prohibition of harassment on the basis of disability at all schools in areas accessible to students, parents, teachers, and administrators. The notices will explain the District's prohibition on harassment and how and to whom a person may report harassment. The notices accessible to students and parents shall be posted both in English and in Spanish. At a minimum, the notices will remain posted in Santa Fe Trail High School through the end of the 2014-15 school year.

REPORTING REQUIREMENT: By September 15, 2014, the District will provide OCR documentation showing it has completed paragraph #3 of this Agreement.

RESPONSE TO REPORTED DISCRIMINATION

4. Beginning with the acceptance of this Agreement, the District will ensure that once District staff and/or administrators receive complaints of discrimination, the District will take timely and appropriate steps to properly investigate, respond to, and if necessary, eliminate such discrimination.

REPORTING REQUIREMENT: By July 1, 2015, the District will provide OCR documentation showing it has completed paragraph #4 of this Agreement. The documentation must contain: a summary of all oral and written complaints/reports of discrimination made during the 2014-15 school year at Santa Fe Trail High School, and the District's responses to such complaints, including all emails or correspondence, notes of interviews, summaries or other reports describing the investigation and the findings made, and any actions taken as a result of the investigation, including discipline or other actions.

GENERAL PROVISIONS

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation 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 regulation 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.

Dr. Steve Pegram
Superintendent
Santa Fe Trail U.S.D. 434

Date