

## RESOLUTION AGREEMENT

Columbia #93 School District

Docket Number 07141091

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of the Columbia #93 School District (District), Columbia, Missouri, pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 1213 (Title II). The District, as a recipient of Federal financial assistance is subject to the requirements of Section 504 and Title II.

Before OCR completed its investigation, the District agreed to take the following actions:<sup>1</sup>

### AGREEMENT WITH RESPECT TO THE COMPLAINANT

1. By November 15, 2014, the District will send a letter to the complainant advising her that if her son re-enrolls in the District and upon execution of her consent to evaluate, the District will initiate an evaluation to determine whether the complainant's son (hereinafter, "the Student") is a qualified individual with a disability as defined by the regulation implementing Section 504 at 34 C.F.R. § 104.3(j) and (l).

**REPORTING REQUIREMENTS:** By November 15, 2014, the District will submit to OCR a copy of the letter to the complainant notifying her that if her son re-enrolls in the District and upon execution of her consent to evaluate, the District will initiate an evaluation to determine whether the complainant's son is a qualified individual with a disability.

### SECTION 504 POLICIES AND PROCEDURES

2. By January 15, 2015, the District will develop and submit to OCR for its review and approval a referral protocol for procedure (referral procedure) to determine whether the District has reason to suspect a student with a condition mitigated by an individual health plan or other measures should be evaluated to determine eligibility for special education or related services pursuant to 34 C.F.R. 104.35.

**REPORTING REQUIREMENT:** By January 15, 2015, the District will draft and submit the referral procedure to OCR for its review and approval. Within 60 days from the date the District receives OCR's approval of the referral procedure

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<sup>1</sup> The District is resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement is entered into to ensure the District's compliance with Section 504. It does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR of any violation of Section 504 which was at issue in this complaint. The District maintains its actions in this matter comply with Section 504.

the District will adopt and disseminate the referral procedure to all certificated and healthcare staff.

3. Within 60 days from the date the District adopts and disseminates the referral procedure, the District will identify all personnel in each building directly involved in development and implementation of individual healthcare plans and will train such staff on the referral procedure

**REPORTING REQUIRMENT:** Within 30 school days from the date the District completes staff training on the referral procedure, the District will provide OCR with documentation identifying: a) the date, time and location of each training; b) a copy of the agenda and any materials provided to the individuals attending the training; c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name, title, work location, and areas of responsibility of each District administrator or employee who attended the training (a sign-in sheet with the attendees' names, titles is sufficient).

4. By July 15, 2015, the District will provide OCR with copies of all determinations made pursuant to the referral procedure during the 2014-15 school year. For determinations which result in an evaluation pursuant to 34 C.F.R. 104.35, the District shall provide a copy and results of the evaluation (ineligibility or eligibility and placement decision). For determinations which do not result in an evaluation pursuant to 34 C.F.R. 104.35, the District will provide the names and titles of the individuals who made the determination and include a description of the factors considered and the basis for the decision to conclude the student should not be evaluated to determine eligibility to receive special education or related services if not already included in the referral procedure determination.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, 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 which were at issue in this case.

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 regulations implementing Section 504.

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/ Dr. Peter Stiepleman  
Dr. Peter Stiepleman, Superintendent  
Columbia #93 School District

10/17/2014  
Date