

RESOLUTION AGREEMENT

Sioux Falls School District #49-5
OCR Docket Number 07141099

The Sioux Falls School District #49-5 (District), Sioux Falls, South Dakota, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced discrimination complaint against the District and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws.

The District is resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual*.¹ Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. The District agrees to take the following actions, but nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any of the allegations in this complaint:

REVISION OF PARENT/GUARDIAN RIGHTS DOCUMENT

- 1) The District will revise the District's *Parent/Guardian Rights for Section 504 of the Rehabilitation Act of 1973* to clarify that parties may file a request for an impartial due process hearing without the requirement to first request an informal or formal review by the District's Section 504 Coordinator.
- 2) The District will revise the *Parent/Guardian Rights for Section 504 of the Rehabilitation Act of 1973* to reflect the correct contact information for OCR. The revised document shall include OCR's current mailing address and shall be corrected in both hard-copy publications and in all on-line publications.

REPORTING REQUIREMENT: By November 15, 2016, the District will provide to OCR for review and approval a hard-copy of its revised *Parent/Guardian Rights for Section 504 of the Rehabilitation Act of 1973* as well as the on-line link to the revised document.

TRAINING

- 3) The District will provide training on the subject of Section 504 and Title II compliance and anti-discrimination and anti-retaliation requirements of those laws, to all District administrators, building 504 coordinators, success coordinators, nurses and other staff involved in the referral, identification, evaluation and placement of students under Section 504 and Title II. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II compliance and the specific topics listed below. The training will include:

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

- a. A discussion and distribution to trainees of the District’s Section 504 and Title II policies, procedures, manual, and notice of the revised District’s *Parent/Guardian Rights for Section 504 of the Rehabilitation Act of 1973*, including a discussion of the revisions made to the document pursuant to this Agreement.
- b. The identification of the District’s Section 504 and Title II coordinator, including contact information, and an explanation of the responsibilities of the coordinator.
- c. A discussion of the general anti-discrimination provisions of Section 504 and Title II, including the prohibition against denying a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or services of the District.
- d. A discussion of the Section 504 regulations’ requirements that the District ensure that, when interpreting evaluation data and making placement decisions:
 - i. The team draws upon information from a variety of sources;
 - ii. Ensure that information obtained from all sources is documented and carefully considered; and
 - iii. The placement for the student is in the least restrictive environment.

REPORTING REQUIREMENT: By September 15, 2016, the District will provide the training in accordance with the requirements of this Agreement. By November 15, 2016, the District will provide to OCR documentation for OCR’s review and approval, showing it has completed the training as required by Item 3 above. The documentation must identify the:

- a) Date, time and location of the training;
- b) Topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
- c) Name(s), title(s) and credential(s) of the individual(s) who conducted the training; and
- d) Name, title and work location of each employee who attended the training (a sign-in sheet with the attendees’ names, signatures, titles and work locations is sufficient).

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 and Title II, 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.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner and that all actions taken to comply with the requirements of the Agreement are subject to OCR’s review and approval. Further, the District understands that, during the monitoring of the 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 the Agreement and is in compliance with the statute(s) and regulations that 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 sixty (60) calendar days to cure the alleged breach.

The person(s) signing for the District represents that he is authorized to bind the District and to this Agreement.

For the District:

/s/ Brian Maher
Dr. Brian Maher
Superintendent of the District

5-10-16
Date