

**RESOLUTION AGREEMENT
LEBANON R-III SCHOOL DISTRICT
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07141105**

The Lebanon R-III School District (District), Lebanon, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegations against the District in OCR Docket Number 07141105, and to ensure compliance with 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's investigation of allegations 1 and 2 contained within OCR Docket No. 07141105, pursuant to Section 302 of OCR's *Case Processing Manual*.

Because the District 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 1 and 2 in the complaint.

The District voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement is not intended to constitute, nor shall it be deemed to constitute, an admission by the District of any violation of Section 504 or Title II or any other law or regulation pertaining to allegations 1 and 2 contained within OCR Docket No. 07141105.

This Agreement shall become effective upon the District's receipt of a letter from OCR advising the District that this Agreement resolves allegations 1 and 2 raised in this complaint.

OCR agrees to discontinue its investigation of OCR Docket Number 07141105 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve allegations 1 and 2 in this case and any other issues identified by OCR during the course of its investigation.

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.

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, upon prior notice and mutually agreed upon date(s) and time(s), 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.

The District understands that OCR will close the monitoring of this Agreement when the District had fulfilled the terms of this Agreement and the steps and measures required by this Agreement comply with the regulations implementing Section 504 and Title II.

II. RESOLUTION PROVISIONS

A. INDIVIDUAL REMEDY

1. By October 3, 2014, the District will send a letter to the complainant stating that upon his son's re-enrollment in the District and within five days of receiving the complainant's consent to evaluate, the District will begin an evaluation of the complainant's son to determine his eligibility to receive regular or special education and/or related aids and services pursuant the Individuals with Disabilities Education Act (IDEA) or Section 504. In addition, the letter will include the name and contact information of an individual in the District the complainant may contact regarding any concerns he has with the evaluation, and/or any eligibility determination, placement, or implementation of any placement decisions regarding his son. The District will comply with the applicable regulations implementing Section 504 or IDEA, whichever are applicable.

REPORTING REQUIREMENT: By October 17, 2014, the District will provide OCR with a copy of the letter to the complainant notifying him that if he reenrolls his son in the District, the District will evaluate him as required by item II.A.1.

If the complainant reenrolls his son in the District within sixty (60) days of the date of the above letter, the District shall notify OCR within ten (10) days of the date the complainant's son is reenrolled. Within ninety (90) days following the District receipt of written consent from the complainant for the District to evaluate his son, the District will provide OCR with a copy of the diagnostic staffing report containing the results of its evaluation of the complainant's son, the names and professional credentials of the individuals who participated in the evaluation and in the meeting with the complainant to

consider the results of the evaluation, and a copy of the letter or notice advising the complainant of the results of his son's evaluation (including the District's applicable due process procedures, and if his son is found to be eligible, a copy of his individualized education program (IEP) and/or Section 504 Plan). If the IEP or Section 504 plan is not finalized within 90 days of receipt of consent to evaluate, the District shall inform OCR of the anticipated date to complete the IEP or Section 504 plan. Within 10 days of completion of the IEP or Section 504 plan, the District will provide OCR with a copy.

B. NOTICE OF NONDISCRIMINATION

1. By October 13, 2014, the District will, if necessary, revise its notice of nondiscrimination in accordance with the implementing regulations of Section 504, Title II, the Age Discrimination Act of 1975 (Age Act), and Title IX of the Education Amendments Act of 1972 (Title IX). The revised notice of nondiscrimination must include the name or title, address, and telephone number of the District employee(s) designated to coordinate the District's efforts to comply with Section 504, Title II, the Age Act, and Title IX. In addition, OCR recommends the District identify designated coordinators for Title VI of the Civil Rights Act of 1964 and the Boy Scouts of America Equal Access Act. The District shall provide OCR with a copy of a draft of the revised notice of nondiscrimination for review and approval prior to its adoption, dissemination and publication.¹ The District will also revise its current notice of nondiscrimination to include OCR's updated address: U.S. Department of Education, Office for Civil Rights, One Petting Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106; Telephone: (816) 268-0550; Fax: (816) 268-0599; TTY: (877) 521-2172; Email: OCR.KansasCity@ed.gov.

REPORTING REQUIREMENT: By October 20, 2014, the District will provide OCR with a copy of the proposed revised notice of nondiscrimination, which meets the requirements set forth in this Agreement, for OCR's review and approval.

2. Upon receiving approval from OCR of its revised notice of nondiscrimination, the District will adopt, publish and prominently display its revised notice of nondiscrimination on the District's website and in student, parent and employee hard-copy and/or online handbooks.

¹ Sample language for the notice of nondiscrimination may be found at:

<http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

The District may also refer to OCR's April 4, 2011 Dear Colleague Letter (page 6, pertaining to notices of nondiscrimination) at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-200104.html>.

REPORTING REQUIREMENT: Within 60 days of receiving approval of its revised notice of nondiscrimination from OCR, the District will provide OCR with documentation demonstrating the notice has been adopted by the District and provide OCR copies (or links to the information if it is available on the District’s website) of the District’s student, parent and employee handbooks evidencing its dissemination and publication of the approved notice of nondiscrimination.

C. TRAINING

1. As soon as practicable, but in any event no later than May 15, 2015, the District will provide training to District personnel for whom the need to use restraint or seclusion is anticipated. The training will include the following topics:
 - a) the District’s policy regarding restraint and seclusion, particularly the District’s process for notifying parents or guardians of instances when restraint and/or seclusion of their child has been necessary; and
 - b) the District’s responsibility to determine whether, following an incident of restraint or seclusion, a student needs to be reevaluated when there is a reason to believe a student’s current placement may not be meeting his or her individual educational needs, particularly if a student is repeatedly placed in restraint, and the process for reevaluating students.

REPORTING REQUIREMENT: Within thirty (30) days of completing the training required in Paragraph C 1, but in any event no later than June 15, 2015, the District will provide OCR documentation showing it has completed the training described above for the 2014-15 school year. The documentation must identify: (a) the date and location of the training; (b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and a 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).

2. As soon as practicable, but in any event no later than May 15, 2015, the District will provide training regarding the investigation of disability harassment complaints to all District officials and staff responsible for conducting investigations of disability harassment complaints. At a minimum, the training shall include the applicable legal standards, the District’s investigatory policy procedures, as outlined in District policy ACC, interview techniques, privacy and confidentiality issues, appropriate interim measures,

making findings and preparing a report, taking appropriate timely actions, including discipline if warranted, and notifying the parties of the outcome or determination.

REPORTING REQUIREMENT: Within thirty (30) days of completing the training required in Paragraph C 2, but in any event no later than June 15, 2015, the District will provide OCR documentation showing it has completed the trainings described above for the 2014-15 school year. The documentation must identify: (a) the date and location of the training; (b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and a copy of the materials disseminated at the training); (c) the name(s) and title(s) of the individual(s) who conducted the training; and (d) the name, title, and work location of each District official or staff member who attended the training (a sign-in sheet with the attendees' names, titles, and work locations is sufficient). OCR is available to provide technical assistance and training to the District upon the District's request.

_____/s/ Duane Widhalm_____
Duane Widhalm, Superintendent
Lebanon R-III School District
Lebanon, Missouri

____9/5/2014_____
Date