

**RESOLUTION AGREEMENT
PIERCE CITY R-VI SCHOOL DISTRICT
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07141121**

The Pierce City R-VI (District), Pierce City, 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. 07141121 (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. 07141121 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 Grievance Procedure

1. By 10-1-2014, 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. 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 10-1-2014, the District will submit its Section 504 Grievance Procedure to OCR for its review and approval.

- 2. Within 30 calendar days of receiving written approval from OCR that its Section 504 Grievance Procedure satisfies item 1 of this Agreement, the District will adopt and implement the procedure, provide a link to the procedure on the website entitled "Grievance Procedure," and provide an insert to students/parents of the revised procedure to be included in the current student handbook(s).

Reporting Requirement: By 11-1-2014, the District will provide documentation that demonstrates implementation of item 2.

- 3. The District will include the approved Grievance Procedure in the 2015-16 student handbooks.

Reporting Requirement: By 8-15-2015, the District will provide OCR a copy of its 2015-16 student handbook(s) that includes the OCR approved Section 504 Grievance Procedure.

Notice of Nondiscrimination

- 4. 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.

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.

Reporting Requirement: By 10-1-2014, the District will submit a draft of its revised notice of nondiscrimination to OCR for its review and approval.

5. Within 30 calendar days of receiving written notification from OCR that its revised Notice of Nondiscrimination is acceptable, the District will adopt and implement the Notice of Nondiscrimination, provide a link to the notice on the website entitled “Notice of Nondiscrimination,” and provide an insert to students/parents and employees of the revised notice to be included in the current student handbook(s).

Reporting Requirement: By 11-1-2014, the District will provide documentation that demonstrates implementation of item 5 of the Agreement.

6. The District will publish the approved notice in its 2015-16 student and employee handbooks.

Reporting Requirement: By 8-15-2015, the District will provide OCR a copy of its 2015-16 student handbook(s) and employee handbook that contains the OCR approved Notice of Nondiscrimination.

Training

7. By 8-8-2015, the District will provide training on the District’s OCR approved Grievance Procedures and Notice of Nondiscrimination to all staff, administrators and other employees it deems appropriate.

Reporting Requirement: Within 30 days of providing training on the approved OCR notices, the District will provide OCR documentation showing it has complied with item 7 of this Agreement. The documentation shall include a copy of the sign-in sheets, the date(s) of the training and will list the name of the person(s) who provided the training.

Emergency Evacuation Plan

8. Within 30 days of the date of this Agreement, the District will provide training to all staff responsible for the emergency evacuation of the complainant’s sons at the high school on the evacuation plan and will conduct a drill of the emergency evacuation plan to ensure staff is knowledgeable of the plan.
9. Within 30 days of the date of this Agreement, the District will provide a copy of the evacuation plan to each of the Complainant’s son’s teachers at the high school.

Reporting Requirement: By 11-1-2014, the District will provide OCR documentation to demonstrate implementation of items 8 and 9 of this Agreement. The documentation shall include: a copy of the Complainant’s

sons evacuation plans; the date of the evacuation drill; the names and titles of the individuals who participated in the evacuation drill; and the date the District provided copies of the evacuation plan to each of the Complainant's sons' teachers at the high school.

Extracurricular Activities

10. Within 60 days of the date of this Agreement, the District will reconvene the Complainant's sons' multi-disciplinary teams, including the Complainant, to determine if additional supports are necessary to ensure the Complainant's sons have an equal opportunity to participate in the extracurricular and/or non-academic activities the District provides students at the high school. If additional supports are deemed necessary, the District shall procure the support(s) identified and ensure the support(s) are available for the extracurricular and/or non-academic activity. As appropriate, the District will ensure the Complainant's sons IEPs are amended to reflect any changes determined by the team.

Reporting Requirement: By 11-1-2014, the District will provide documentation to OCR demonstrating its implementation of item 10 of the Agreement. The documentation must identify: the participants in the multi-disciplinary team meetings; the date the teams met; the information the teams considered; information or documentation supporting the teams' decisions as to whether supports are necessary and if so, the types of supports the District will provide; and a copy of the students' amended IEPs, if applicable.

11. By 10-1-2014, the District will provide the Complainant a list of the known or established extracurricular non-academic activities scheduled for the 2014-15 school year. The District will indicate on the list any criteria necessary to participate in the activity (e.g. grades). The District will also provide the Complainant notice of any field trips or class outings that are not on the established activity list that the District intends to provide her sons' class during the 2014-15 school year at least five business days prior to the date for the activity.

Reporting Requirement: By 10-1-2014, the District will provide OCR a copy of the list of the established extracurricular non-academic activities scheduled for the 2014-15 school year and documentation to demonstrate the District provided the information to the Complainant.

Reporting Requirement: The District will provide OCR notification as to whether the Complainant's sons participated in extracurricular and/or non-academic activities. The notifications shall include the date of the activity, purpose of the activity, any eligibility criteria to attend, whether the Complainant's sons attended and, if they did not attend, the reason for not

attending. The District will provide the notices to OCR by November 15, 2014, February 15, 2015 and June 15, 2015.

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 regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.4 (a)(b)(ii) and 28 C.F.R. § 35.130 (a)(b)(1)(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. 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 regulations implementing Section 504 and Title II, at 34 C.F.R. § 104.4 (a)(b)(ii) and 28 C.F.R. § 35.130 (a)(b)(1)(ii), 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.

 /s/ Russell Moreland
Russell Moreland, Superintendent
Pierce City R-VI School District

 9-4-2014
Date