

RESOLUTION AGREEMENT
RURAL VISTA UNIFIED SCHOOL DISTRICT #481
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07141151

The Rural Vista Unified School District #481 (District), White City, Kansas, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve allegation 2 against the District in OCR Docket Number 07141151, 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. Before OCR completed its investigation, the District asked to resolve allegation 2 in the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, and to resolve allegation 2 of this complaint and any other issues identified by OCR during the course of its investigation of this complaint, the District voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves allegation 2 in OCR Docket Number 07141151 and does not constitute an admission by the District of any violation of Section 504, Title II, or any other law.

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

OCR agrees to discontinue its investigation of OCR Docket Number 07141151 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve allegation 2 in this complaint 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 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 not close the monitoring of this Agreement until OCR determines 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.

II. RESOLUTION PROVISIONS

STUDENT'S EVACUATION PLAN

- A. The District agrees to revise the Student's current evacuation plan, incorporated into her individualized education program (IEP), as amended on October 13, 2014. In revising the Student's evacuation plan, the District agrees to do the following:
1. Identify a District staff person to serve as the coordinator for the revision and adoption of the Student's evacuation plan;
 2. Within five (5) business days following the execution of this Agreement, the District will contact the Office of the State Fire Marshall and request and schedule an onsite consultation regarding the Student's evacuation plan, including consultation regarding the Student's evacuation plan provisions that do not require evacuation from the building, such as shelter in place, and utilizing fire evacuation staging areas; and
 3. Consider the acquisition of an emergency evacuation chair to be utilized for the Student when an evacuation is required, and, if the option for an emergency evacuation chair is considered but rejected, develop an alternative plan for evacuating the Student from the building that does not include District staff members carrying the Student down the stairs in her wheelchair.

REPORTING REQUIREMENTS: By November 5, 2014, the District will provide OCR with the identity the District staff person tasked with coordinating the revision and adoption of the Student's evacuation plan. By February 1, 2015, the District will provide OCR with information regarding the consultation from the Office of the State Fire Marshall, including the date of the consultation and a summary of the consultation and recommendations.

By February 1, 2015, the District will provide OCR with a copy of the Student's revised evacuation plan and documentation demonstrating that it considered the report it received from the Fire Marshall, the revised plan has been provided to and discussed with the complainant, and the date the revised plan was adopted.

Within five (5) days of the revised plan's adoption, all staff members with responsibility for implementing the evacuation plan will be adequately trained on their respective responsibilities in implementing the evacuation plan.

By February 1, 2015, the District will provide documentation of the training given to staff regarding the revised plan, including the date(s) the training was provided, the name(s) of the individual(s) who provided the training, and a list with the names and titles of the individuals who received the training.

GRIEVANCE PROCEDURE

- B. By February 1, 2015, the District will review and revise its complaint and/or grievance procedure or develop a new complaint and/or grievance procedure to provide for prompt and equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age. The revised grievance procedure should incorporate appropriate due process standards and include at a minimum the following¹:
1. a statement that the grievance procedure is applicable to complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age by students, employees, and third parties;
 2. notice to students, employees and others of the process for filing a grievance, including who to contact (title, address, and telephone number of the contact individual should be included) and how to initiate a grievance;
 3. a requirement that all complaints will be promptly, thoroughly, and impartially investigated and decided within reasonable designated time frames at each stage of the grievance process;

¹ OCR reviewed the District's current grievance procedure, Policy KN. The grievance procedure submitted complies with items B1-6 and 9. In revising the grievance procedure to include the provisions required by items B7 and B8, the District will ensure the grievance procedure continues to include the provisions required by items B1-6 and 9.

4. provisions for maintaining the confidentiality of the person who files a complaint;
5. written notice to the grievant of the disposition of the grievance at each stage of the process;
6. a fair and equitable appeal process;
7. notice that retaliation against a person who files a complaint of discrimination, or persons who participate in related proceedings is prohibited;
8. assurance that if discrimination has occurred, appropriate corrective and remedial actions will be taken;
9. a provision that notifies individuals they may file complaints with OCR. The provision should include the following contact information: U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut, Suite 320, Kansas City, Missouri 64106-2106; Telephone: (816) 268-0550; Facsimile: (816) 268-0599; or [Email: OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov); and

REPORTING REQUIREMENT: By February 1, 2015, the District will provide OCR with a copy of the draft grievance procedure, for OCR's review and approval. Upon receiving approval from OCR, the District will adopt and display the grievance procedure on the District's website. Within 60 days of receiving approval of the policy, the District will provide OCR with documentation demonstrating the policy has been adopted and published on the District's website.

NOTICE OF NONDISCRIMINATION AND DISSEMINATION

- C. The District will ensure it has met the identification, notification, and publication requirements set forth in the OCR publication, *Notice of Non-Discrimination* (August 2010). The publication is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>. The notice of nondiscrimination must include a statement that the District does not discriminate on the basis of age and provides equal access to the Boy Scouts and other designated youth groups. The notice will also include the name or title, address, and telephone number of the District employee(s) designated to coordinate efforts to comply with and carry out responsibilities under the Age Discrimination Act of 1975 (Age Discrimination Act), 42 U.S.C. § 6101, and

its implementing regulation at 34 C.F.R. Part 110, and the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, and its implementing regulation at 34 C.F.R. Part 108, in addition to Section 504, Title II and Title IX of the Education Amendments of 1972. OCR is available to provide technical assistance to the District upon request.

REPORTING REQUIREMENT: By February 1, 2015, the District will provide OCR with a revised version of its combined notice of nondiscrimination, which meets the requirements set forth in this Agreement, for OCR’s review and approval. Upon receiving approval from OCR, the District will adopt and display the notice on the District’s website. Within 60 days of receiving approval of the notice, the District will provide OCR with documentation demonstrating the notice has been adopted and published on the District’s website.

Ralph Blevins, Superintendent

Date

Rural Vista Unified School District #481
White City, Kansas