MISSOURI SCHOOLS FOR THE SEVERELY DISABLED
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07141162

Missouri Schools for the Severely Disabled (District), Jefferson City, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve allegation b against the District in OCR Docket Number 07141162 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 b 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 b 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 b in OCR Docket Number 07141162 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 b raised in this complaint.

OCR agrees to discontinue its investigation of OCR Docket Number 07141162 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve allegation b 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

COMPENSATORY SERVICES

By May 1, 2015, after providing proper written notice to the parents/guardians of the three students who received daily tube feedings in the nurse's office between April 15, 2014 and June 30, 2014, the District will convene each student's IEP/504team, including the parent/guardian, to consider whether each was denied a free and appropriate public education (FAPE) between April 15, 2014 to June 30, 2014 when they were fed outside the classroom.[1] If the IEP team determines FAPE was denied they shall determine compensatory and/or remedial services, if any, are required. If the team determines the respective student is entitled to compensatory and/or remedial services, the team will amend the IEP/Section 504 plan or develop a written remedial plan, including a schedule, to provide the compensatory and/or remedial services and notify in writing all staff responsible for providing the compensatory and/or remedial services of their responsibility to provide such services. If the team determines the respective student is not entitled to compensatory and/or remedial services, the team will identify the information considered in reaching this determination and set forth the reasons for its decision in writing. The District will provide the each student's parent(s)/guardian(s) notice of the District's applicable system of procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.

Reporting Requirements

Within 5 days of providing the written notice to the parents/guardians of the 3 students the District will provide a copy of the notice to OCR.

[1] As part of the written notice to each of the parent(s)/guardian(s), the District shall identify the dates, the amount of time, and services not provided to the student during April 15 and June 30, 2014, when the student did not receive the full amount of special education or related services called for in the student's IEP. In the event the respective parent(s)/guardian(s) refuses compensatory education for the student pursuant to this agreement, the District shall provide OCR with a written memorialization of the refusal.

Within 10 days of the respective team meetings to consider whether each student is entitled to receive compensatory and/or remedial services as a result of the District's failure to provide appropriate regular and/or special education or related services from April 15, 2014 to June 30, 2014, the District shall submit a report to OCR which includes the following: (1) the participants in each meeting; (2) an explanation for the decision(s) made by each team; (3) the information considered by the team; (4) a copy of the amended IEP/Section 504 plan or the written plan, including the schedule to provide the compensatory and/or remedial services; and (5) the written notification to all staff responsible for providing the compensatory and/or remedial services. OCR will, prior to approving the team's decision and amended IEP/Section 504 plan or written plan, review the District's report to ensure that the District met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35 and 104.36 in making these determinations.

Within 10 days of the completion of the compensatory and/or remedial services approved by OCR, the District will provide documentation to OCR of the dates, times and locations that the services were provided to the Student, a description of what was provided, and the name(s) and title(s) of the service provider(s).

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XXXXX XXXXX, XXXXX XXXXX
Missouri Schools for the Severely Disabled
Jefferson City, Missouri

Date