

**Resolution Agreement**  
Fort Osage R-1 School District  
OCR Case Number: 07-15-1039

The Fort Osage School District (District), Independence, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this 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 34; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 34 C.F.R. Part 28. The Agreement, when fully implemented, resolves the complaint allegations that the District discriminated against the Student on the basis of disability.

Prior to the completion of OCR's investigation, the District agreed to resolve allegations 2 and 3 of the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**Individual Remedies**

- A. If the Student reenrolls in the District, within 10 days of the Student's reenrollment, the District will notify the Complainant by certified letter of its intent, upon receipt of written parent/legal guardian consent, to conduct an evaluation of the Student to determine the Student's eligibility to receive services as a student with a disability under Section 504, and request consent to conduct the evaluation. The District will enclose a consent form for parent/guardian signature with the letter as well as a copy of the District's procedural safeguards that meet the requirements of 34 C.F.R. § 104.36.

**REPORTING REQUIREMENT:** Within 10 days of the date of the certified letter, the District will provide OCR documentation of the Student's date of reenrollment in the District, and a copy of the certified letter to the Complainant, enclosed consent form, and the District's procedural safeguards.

**REPORTING REQUIREMENT:** Within 10 days of the last day of each semester of the 2017-18 school year, the District will notify OCR in writing if the Student has not reenrolled in the District during that term.

- B. If the Student's parent/legal guardian consents to the evaluation, the District will conduct the evaluation and make the eligibility and placement determinations in accordance with the procedural requirements of Section 504 at 34 C.F.R. §§ 104.3(j) and (l), 104.33, 104.34, and 104.35. The District will consider information from outside medical or counseling providers, as well as other relevant information including, but not limited to, data from behavioral scales, assessment instruments, teacher observations, grades, discipline records, and information related to the Student's current diagnosis(es). The evaluation will include assessment and evaluation data as well as all other relevant information from the Student's educational records. Based on the evaluation, the Student's multi-disciplinary team will determine whether the Student has an impairment(s) which substantially limits one or more

major life activities pursuant to Section 504, and if so, the multi-disciplinary team will determine an appropriate educational placement for the Student, and draft and implement an IEP or 504 plan setting forth the Student's educational placement and the services she is to receive.

In addition, the District will determine whether the District had a reason to suspect the Student had a disability under Section 504 at any time commencing with her XXXXX XXXX reenrollment in the District through the Student's XXXXX XXXX disciplinary suspension. To aid in that determination, the District will request from the Complainant documentation of any diagnoses the Student had at that time, including, but not limited to, XXXXX XXXXX XXXXX and/or XXXXX XXXXX XXXXX, as well as any other information from that period of time relevant to such a determination. If the District determines there was a reason to suspect the Student had a disability during the above timeframe, the Student's multi-disciplinary team will evaluate the Student to determine whether the Student had an impairment(s) which substantially limited one or more major life activities at that time. If the Student's multi-disciplinary team determines the Student had an impairment(s) which substantially limited one or more major life activities at that time, the Student's multi-disciplinary team will determine whether the conduct for which the Student was suspended on XXXXX XX, XXXX, was related to her disability(ies).

**REPORTING REQUIREMENT:** Within 10 days of receiving parent/guardian consent to evaluate the Student, the District will provide OCR a copy of the signed parent/guardian consent form.

**REPORTING REQUIREMENT:** Within 10 days of completing the evaluation of the Student, making eligibility determinations (including determinations regarding compensatory education services), and developing an IEP or 504 plan for the Student, the District will provide OCR a copy of the complete evaluation of the Student, including all assessments, information, and records considered in the evaluation; notes from the multi-disciplinary team meeting(s); the District's eligibility determinations for the Student; all IEPs and/or 504 plans developed and implemented for the Student; and notices, correspondence and other records made part of the Student's Section 504 or special education file in the District.

- C. If the Student's multi-disciplinary team determines the conduct for which the Student was suspended on XXXXX XX, XXXX, was related to her disability(ies), the District will expunge the Student's discipline records, removing any mention of that incident and all disciplinary consequences imposed as a result of that incident from her records. If the District has notified any individuals or entities, including other educational institutions, about the Student's XXXXX XX, XXXX suspension and subsequent long-term suspension, or the circumstances giving rise to either suspension, the District will contact each such individual or entity in writing to notify them of the expungement of the Student's records.

**REPORTING REQUIREMENT:** If applicable, within 30 days of completing the evaluation of the Student, making eligibility determinations, and developing an IEP or

504 plan for the Student, the District will provide OCR a copy of its written notice to individuals and entities of the expungement of the Student’s discipline records.

- D. At the conclusion of the Student’s evaluation, the District will provide the Complainant with a copy of the District’s procedural safeguards that meet the requirements of 34 C.F.R. § 104.36.

**REPORTING REQUIREMENT:** Within 10 days of completing the evaluation of the Student, making eligibility determinations (including determinations regarding compensatory education services), and developing an IEP or 504 plan for the Student, if appropriate, the District will provide OCR with documentation that it provided the Complainant with a copy of its procedural safeguards.

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 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 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, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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.

\_\_\_\_\_  
Recipient Official

\_\_\_\_\_  
Date