

**Resolution Agreement**  
**School District of Springfield R-12**  
**07151173**

The School District of Springfield R-12 (“District”), Springfield, Missouri, submits this Resolution Agreement (“Agreement”) to the U.S. Department of Education, Office for Civil Rights (“OCR”), to resolve OCR Complaint No. 07151173 (“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, 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, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. The Agreement addresses the complainant’s allegation that the District denied her daughter a free appropriate public education (FAPE) by failing to implement her Section 504 plan.

Before OCR completed its investigation, the District agreed to take the actions set forth below. The District’s agreement to take these actions, and to enter into this Agreement, shall not constitute or be construed to constitute an admission by the District that it has engaged in a violation of any Federal or State Statute or Regulation, including but not limited to Section 504, Title II or their regulations and guidelines.

A. Training – Section 504

1. By March 31, 2016, the District will provide training to XXXXXXXXXXX (“Staff Member”) regarding Section 504 and Title II. At a minimum, the training will include the following information:
  - (a) Section 504’s and Title II’s prohibition against disability discrimination, including the District’s obligation to provide students with disabilities a FAPE to all qualified students with a disability in its jurisdiction and that the provision of a FAPE is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of disabled students as adequately as the needs of non-disabled students are met; and (ii) are based upon adherence to procedures that satisfy the requirements of 34 C.F.R. §§ 104.34, 104.35, and 104.36;
  - (b) The ADA Amendments Act, including the Act’s expanded definitions of physical and mental impairments and major life activities, and the Act’s directive that the determination of whether an impairment substantially limits an individual’s major life activity shall be made without regard to the ameliorative effects of mitigating measures other than ordinary eyeglasses or contact lenses;
  - (c) A description of relevant procedures to determine eligibility for special education or related aids and services pursuant to Section 504;

**Comment [BJ1]:** I thought it was her 504 Plan that was not being implemented and on April 30<sup>th</sup> when she switched from the 504 plan to the IEP plan, complainant was satisfied with the school. After conducting interviews with District officials we learned that the Student was on a 504 plan from Feb 23 until April 30<sup>th</sup>. This was the time that the teacher that the complainant complained about was not implementing the 504 plan. After the IEP was developed on April 30<sup>th</sup>, the Student was in a different classroom and was doing well with the new teachers.

**Comment [BD2]:** Do we know if the district’s 504 procedures comply with these provisions? Yes, their procedures comply with this provision.

**Comment [BD3]:** Relevant what? We are missing a word. procedures was the word missing.

- (d) Identification of the employee responsible for notifying Staff Member concerning which students have a Section 504 plan and the Staff Member’s responsibilities to fully implement all provisions of Section 504 plans; and
- (e) A description of the Staff Member’s responsibility to fully implement all provisions of a student’s Section 504 plan.

2. Reporting Requirements – By April 15, 2016, the District will provide OCR documentation by showing it has provided the training described in paragraph A.1. of the Agreement. The documentation must include:

- (a) The date, time, and location of the training;
- (b) The topics addressed during the training;
- (c) Copies of handouts distributed to the Staff Member; and
- (d) The name(s), title(s), and credentials of the individual(s) who conducted the training.

B. Training – Title II

1. By March 31, 2015, the District will provide training to the Staff Member regarding discrimination and disability harassment. The training will cover complaints of disability harassment, identifying harassment, investigating reports of harassment, responding appropriately to incidents of harassment and documenting the investigation and response to incidents of harassment. At a minimum, the training must include the following information:

- (a) Section 504’s and Title II’s prohibitions against discrimination on the basis of disability, including harassment on the basis of disability, and examples of discrimination on the basis of disability and harassment on the basis of disability;
- (b) The process for submitting a disability harassment complaint to the District;
- (c) Instructions for Staff Member in the event a student or the parent/guardian of a student complains of disability discrimination or disability harassment by a District employee, student, or third party;
- (d) Instructions for the Staff Member in the event she witnesses disability discrimination or disability harassment of a student or the parent/guardian of a student by a District employee, a student, or a third party;

**Comment [BD4]:** I am ok with including this but there was no evidence in the SOC of disability harassment.

- (e) A description of the District’s process for investigating and resolving disability discrimination or disability harassment complaints; a description of the District’s process for investigating and resolving disability discrimination or disability harassment complaints;
  - (f) Section 504’s prohibition of retaliating against a parent, student, or other individual who files a discrimination complaint or participates in a Section 504 complaint investigation; and
  - (g) Identification of who to contact with questions about the District’s process for reporting or addressing complaints of discrimination or harassment on the basis of disability.
2. Reporting Requirements - By April 15, 2016, the District will provide documentation showing it has provided the discrimination or disability harassment required in paragraph B.1. of the Agreement. The documentation must include:
- (a) The date, time, and location of the training;
  - (b) The topics addressed during the training;
  - (c) Copies of handouts distributed to the Staff Member; and
  - (d) The name(s), title(s) and credentials of the individual(s) who conducted the training.

**Comment [BD5]:** If we are going to require harassment training that includes the district’s procedures we should know if the district’s current procedure meets OCR standards.

### C. Compensatory Education

- 1. By May 31, 2016, the District will provide nine (9) hours of compensatory education services to the Student. The nature of the compensatory education services will be determined by the District and will be conducted before or after the regular school day.
- 2. Reporting Requirements – By June 15, 2016, the District will provide documentation showing it has provided the compensatory education services required in paragraph C.1. of the Agreement. The documentation must include:
  - (a) The date, time, and location of the compensatory education services;
  - (b) The name(s), title(s) of the individual(s) who provided the compensatory services to the Student.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.33(a) and (b); and Title II at 28 C.F.R. § 35.130, which was 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 regulation implementing Section 504 at 34 C.F.R. § 104.33(a) and (b), and Title II at 28 C.F.R. § 35.130, which was 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 sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/S/\_\_\_\_\_  
Dr. John Jungmann  
Superintendent

\_\_\_\_\_/1/4/16\_\_\_\_\_  
Date