

Resolution Agreement
Unified School District No. 229
OCR Complaint Number 07151179

The U. S. Department of Education, Office for Civil Rights (“OCR”) and the Unified School District No. 229, Johnson County, State of Kansas (“District”) enter into this Agreement (“Agreement”) to resolve the allegations in the above-referenced complaint.

The District agrees to resolve the issues of this investigation pursuant to Section 302 of OCR’s *Case Processing Manual*. Specifically, the District agrees to take the actions listed herein, to ensure its compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District

A. Section 504 Procedure Manual and Notice of Parent and Student Rights

1. Within 90 days of the date of this agreement, the District will amend its current Section 504 Procedure Manual (504 Manual) and Notice of Parent and Student Rights (Notice). The updated documents should, at a minimum:
 - a. Clarify that the Section 504 due process procedure and grievance procedures are separate and distinct;
 - b. Specify the rights and procedural steps for each;
 - c. Clarify which issues are appropriate for Section 504 due process hearings in accordance with OCR policy guidance (e.g. FAPE issues, identification, evaluation, educational placement, services, scope of services, etc.);
 - d. Clarify which issues are appropriate for grievance procedure processing (e.g. harassment, different treatment, lack of accessible facilities, etc.);
 - e. State the parent/guardian has the right to obtain a Section 504 due process hearing without going through a grievance procedure;
 - f. State whom to contact (title, address, telephone number and email of the contact individual should be included) to initiate a grievance and/or a due process hearing;
 - g. Develop and include a fair and equitable review procedure pursuant to 34 C.F.R. § 104.36 for any party aggrieved by a due process determination;

- h. Develop and include a fair and equitable review procedure for any party aggrieved by a grievance determination;
- i. State that if the relief sought under Section 504/Title II is also available under the Individuals with Disabilities Education Act, individuals should review their rights under the Individuals with Disabilities Education Act; and
- j. State that an individual may file a complaint with OCR at any time. 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.

REPORTING REQUIREMENT: Within 90 days of the date of this agreement, the District will submit to OCR documentation showing completion of item A(1) for review and approval. OCR will notify the District whether the documentation is approved no later than 30 days after receiving said documentation.

2. The District will amend its electronic 504 Manual and Notice and disseminate the amended 504 Manual and Notice to the District's parent body and employees by emailing them a link to the amended electronic 504 Manual and Notice. The District will include a short statement in the email noting the 504 Manual and Notice were updated and can be accessed at the link. The District may include this link within a District-wide email that goes out addressing multiple topics.

REPORTING REQUIREMENT: By the end of the Fall 2017 semester, the District will submit to OCR documentation showing completion of the activities described in item A(2). If the District forwards the email it sent out pursuant to item A(2) to OCR, that will be deemed sufficient documentation under this paragraph.

B. Staff Training

1. During the Fall 2017 semester, the District will provide training to all staff and administrators at Overland Trail Elementary who are directly involved with Section 504 meetings, plans, grievance proceedings or impartial hearings on the updated policies and on the proper use of grievance procedures and impartial due process hearings under Section 504. The training will address, but needs not be limited to, the following:
 - a. The District's amended policies and procedures regarding grievance procedures and impartial due process hearings under Section 504;
 - b. What constitutes a proper issue for a grievance procedure;
 - c. What constitutes a proper issue for an impartial due process hearing;

- d. How to discern between grievance issues and impartial due process hearing issues consistent with the requirements of Section 504 and Title II; and
- e. The contact information (name, title, telephone number and email) for the District personnel individuals should contact with questions regarding District's policies related to Section 504.

REPORTING REQUIREMENT: Within 14 days after the training held pursuant to item B(1) the District will submit to OCR a list of individuals who attended the training described in item B(1) and a sign in sheet from said training.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. §104.21, and Title II implementing regulation at 28 C.F.R. §35.149. 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

/s/ Dr. Todd White

Dr. Todd White, Superintendent

8/17/17

Date