

RESOLUTION AGREEMENT
Independence #30 School District
Docket # 07151206

The Independence #30 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.

Before OCR completed its investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not made any conclusions of law or issued a final determination with respect to this complaint. While the District agrees to take the following actions, nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any of the allegations in this complaint.

SECTION 504 AND TITLE II POLICIES AND PROCEDURES

1. The District shall revise its *Request for Consideration for Initial Special Education Evaluation Referral form (Referral form)* to contain the following:
 - a. In the section of the *Referral form* entitled *Course of Action Selected by District*, the District will add a "check box" where an official may indicate whether the District considered referring the student for an evaluation pursuant to Section 504, and
 - b. In the same *Course of Action Selected by District* section, the District will add space for a District official to note the reason(s) why a student will not be referred for an evaluation pursuant to Section 504 if that is the determination made by pertinent individuals.

REPORTING REQUIREMENTS:

- a. By _____, 2017, the District will provide to OCR copies of its draft *Referral form* for OCR's review and approval.
- b. Within 45 days of receiving approval from OCR, the District will provide OCR copies of the final *Referral form*, as approved by OCR.

TRAINING

2. Within 60 days following OCR's approval of the *Referral form*, the District will train on Section 504 and Title II to the District's Section 504 Coordinator, all building administrators, school nurses, school counselors and all staff with responsibilities for

locating and identifying students suspected of being a student with a disability pursuant to Section 504. This training will be conducted by an individual or individuals knowledgeable about when a student needs to be referred for an evaluation under Section 504. At a minimum, the training will include the following items:

- a. The revision to the *Referral form*;
- b. The factors to consider when determining whether or not a student should be referred for evaluation pursuant to Section 504;
- c. The Section 504 free appropriate public education requirements set forth in the Section 504 regulations at 34 C.F.R. § 104.33, § 104.34, § 104.35, and § 104.36; and
- d. Appropriate documentation of a determination that a student should not be referred for a Section 504 evaluation on the *Referral form*.

REPORTING REQUIREMENTS:

- a. Within 30 days from the date OCR approves the *Referral form*, the District will submit to OCR a copy of all materials to be used in the training, including handouts and Power Point presentations, for review and approval.
- b. Within 60 days from the date OCR approves the District’s training materials, the District will provide OCR with documentation of the training including the date(s) and time(s) of the training; the name(s) and title(s) of the trainer(s); a copy of any printed materials used during the training (handouts or PowerPoint presentations); and a sign in sheet showing the training participants by name and position.

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 and Title II, which were 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 regulations implementing Section 504 and Title II, which were 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 60 (sixty) calendar days to cure the alleged breach.

/s/Dale Herl

Superintendent of the District

Date