

RESOLUTION AGREEMENT

Park Hill School District
Docket Number 07161127

The U.S. Department of Education, Office for Civil Rights (OCR) and the Park Hill School District (District), Kansas City, Missouri, enter into this agreement to resolve the allegations in the above-referenced complaint. The District assures OCR that it will take the following actions to comply 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 with 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.

This Agreement does not constitute an admission by the District of a violation of Section 504, Title II, or any other law enforced by OCR. Prior to the completion of OCR's investigation, the District voluntarily agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR did not conduct any further investigation and considers the complaint to be resolved upon completion of the following action steps listed below. Accordingly, to resolve the issues of the investigation, the District agrees to take the following actions:

A. Individual Remedy

1. If the Complainant reenrolls her son (Student) in the District prior to October 1, 2018, the District will, within 30 days of the Student's re-enrollment, convene a multidisciplinary team to reevaluate the Student to determine whether the student is entitled to services based upon a disability and, if he is, to make a placement decision as required by the Section 504 regulation at 34 Code of Federal Regulations (C.F.R.) § 104.35. The District will invite the Complainant to participate in the multidisciplinary team meeting. The multidisciplinary team (Team) will consider information from a variety of sources, including any information supplied by the parents, and the placement decision will be made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.

The District will notify the parents of the Student of the District's procedural safeguards as required by the Section 504 regulation at 34 C.F.R. § 104.36.

Reporting Requirement: Within 10 days of the Student reenrolling in the District, the District will notify OCR in writing that the Student has reenrolled.

Reporting Requirement: Within 2 weeks of the conclusion of the Student's evaluation and the placement decision, the District will provide OCR documentation indicating completion of the requirements in item A.1. above for OCR's review and

approval. The documentation will include, at a minimum: a) the date, time, and place of the meeting; b) the names and titles of the individuals involved in the decision(s); c) a listing or description of all determinations/ decisions made as a result of the evaluative process; d) the information on which the determinations/decisions were based (please provide OCR copies of all documents that were part of this information); e) a copy of the IEP or 504 Plan developed for the Student reflecting the regular or special education and related aids and services to be provided (if applicable); f) documentation indicating the District provided the Student's parents written notice of its decision(s) and notice of procedural safeguards/due process rights.

2. The District may comply with this item of the agreement by satisfying the requirements of paragraph A2a below. Paragraph A2a requires the District to expunge the Student's disciplinary record for the 2015-16 school year. The District will notify OCR of its decision to expunge the Student's 2015-16 disciplinary record by no later than October 30, 2017. If the District does not comply with paragraph A2a by October 30, 2017, the District will satisfy the requirements of paragraph A2b below.

a. All references to disciplinary sanctions imposed upon the Student during the 2015-16 school year will be removed from the Student's educational records, and all records referencing the disciplinary sanctions imposed upon the Student during the 2015-16 school year shall be unavailable through the District's repositories. The District will inform all District employees who are responsible for sharing student disciplinary information with requesters that all disciplinary sanctions imposed upon the Student during the 2015-16 school year have been expunged, and instruct employees regarding the appropriate response to individuals or entities that seek information regarding the Student's 2015-16 disciplinary records. The District will also notify the Complainant in writing of its decision to expunge the Student's 2015-16 disciplinary record. The notice to the Complainant shall explain the effect of the expungement upon the Student's educational records and provide the name of a District employee designated to respond to questions the Complainant has about the expungement.

Reporting Requirement: Within 15 days of expunging the Student's educational record in compliance with paragraph A2a above, the District will provide OCR with documentation evidencing the expungement, a copy of the notice sent to the Complainant, and a copy of all written instructions to employees regarding the expungement of the Student's 2015 disciplinary record.

b. If the student reenrolls prior to October 1, 2018, the District shall, within 30 days of the Student's re-enrollment, review the Student's educational records including

the Student's disciplinary record, all behavior intervention plans (BIP) and/or individual education plans (IEP) and/or Section 504 Plans in place for the 2015-16 school year, as well as all information provided by the Complainant, to determine whether disciplinary action taken against the Student in the 2015-16 school year resulted from a failure to implement the Student's educational plan(s). If the District determines that the Student was disciplined as a result of the District's failure to implement the Student's educational plan(s), the District shall convene a multi-disciplinary team of individuals knowledgeable about the Student and the meaning of the information that will be reviewed to determine whether the Student is entitled to compensatory educational services (e.g., one-on-one tutoring outside the academic day, summer classes, counseling, etc.) to remedy a denial of a free appropriate public education (FAPE). If the team determines that compensatory education and/or services are appropriate, the team will discuss and determine the type, frequency, duration, and location of appropriate compensatory services that will accommodate the Student's schedule. Such compensatory services will be provided at no cost to the parents and will not be scheduled during the Student's school day or other educational and non-academic activities associated with school. In addition, the provision of any tutoring or educational programs will be provided by qualified individuals. At the Complainant's request, the District will provide the Student with transportation to and from the location of the compensatory services.

The District and the parents may mutually agree to change the schedule of services, including the type of compensatory services, based on the individual needs of the Student, which may change over time. If the parties change the schedule or type of compensatory services, the change will be reflected in a written agreement signed and dated by the District and the parents.

Reporting Requirement: **Within 15 days** of the Student's reenrollment, the District shall notify OCR that the Student is reenrolled.

Within 45 days of the Student's reenrollment, the District shall notify OCR of the results of its review(s) as set forth in this Item, and provide documentation supporting the District's conclusions for OCR's review and approval, including all documentation reviewed by the multidisciplinary team, and documentation showing the compensatory services to be provided, if any, the schedule for such services, and proof that written notice of the same has been provided to the Student's parents, including a statement that the services will be provided at no cost to them.

3. If the Student reenrolls in the District prior to October 1, 2018, the District shall notify the

Complainant in writing of the name and contact information of the District employee that the Complainant may contact in the event she has concerns regarding the implementation of the Student's Section 504 Plan.

Reporting Requirement: **Within 15 days** of the Student's reenrollment, the District shall provide OCR with a copy of the written notification to the Complainant described in item 3 above.

B. Training

1. The District will provide training to all District level administrators who have been designated to oversee the District's implementation of Section 504 and Title II, as well as, all Plaza Middle School administrators and professional staff regarding the District's internal policies and procedures related to Section 504, including, but not limited to, the identification, evaluation and placement of students with disabilities. The training will emphasize the District's responsibility to ensure a team of persons knowledgeable about the student determine appropriate special education and related services for eligible students with disabilities. The training will be conducted by an individual knowledgeable about the District's internal policies and procedures and Section 504 and Title II.

Reporting Requirement: **By December 30, 2017**, the District will provide OCR with documentation showing it has completed the training described in Paragraph B.1. above. The documentation must identify: a) the date(s) and time(s) of the training; b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and a copy of the materials disseminated at the training); c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name and title of each District administrator or employee who attended the training (a sign-in sheet with the attendees' names and titles is sufficient).

2. If the Student reenrolls in the District prior to October 1, 2018, the District will provide training to all teachers, administrators and staff who will interact with the Student on panic disorder in adolescents.

Reporting Requirement: **Within 45 days** of the student reenrolling in the District, the District will provide OCR with documentation showing it has completed the training described in Paragraph B.2. above. The documentation must identify: a) the date(s) and time(s) of the training; b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and a copy of the materials disseminated at the training); c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and d) the name and

title of each District administrator or employee who attended the training (a sign-in sheet with the attendees' names and titles is sufficient).

3. During the fall semesters of the 2017-18 and 2018-19 school years respectively, the District will provide training regarding disability harassment to students at Plaza Middle School. At a minimum, the training will focus on helping students recognize conduct that constitutes disability harassment and understand the consequences of engaging in such harassment, and will encourage students to report disability harassment and instruct them on how to report the harassment. The training may be presented by District employees in conjunction with the weekly "Class Meetings" Plaza Middle School students are currently required to attend during their home base class time.

REPORTING REQUIREMENT: By December 30, 2017, and by the same date the following year, the District will provide OCR documentation showing it has complied with item B.3. of this Agreement. The documentation must identify and include:

- (a) the name and title of the individual(s) who conducted the training;
- (b) the date, time, and location of the training;
- (c) the topics addressed at the training;
- (d) a copy of any materials distributed at the training; and
- (e) sign-in sheets or attendance rosters with the name and grade level of each student who participated in the 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 Title II, and the implementing regulations 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.

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

Superintendent or Designated Representative
Park Hill School District

10-4-2017
Date