

## RESOLUTION AGREEMENT

Leavenworth U.S.D. No. 453

Docket # 07161139

The Leavenworth U.S.D. No. 453 (District), Leavenworth, Kansas, submits this Agreement to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve OCR Docket No. 07161139. The District submits this Agreement to resolve this complaint, which alleged the District discriminated against the Student on the basis of his disabilities by terminating his enrollment in the Horizon Kids before- and after-school program. The complaint 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, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance (FFA); 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 public entities. The District, as a recipient of FFA and a public entity, is subject to the requirements of Section 504 and Title II.

The District is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup> Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. The District agrees to take the following actions, but 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:

### REVISION AND PUBLICATION OF NOTICE OF NONDISCRIMINATION

1. The District will revise its notice of nondiscrimination to include "sex" as a protected category and will include contact information for OCR's regional office in Kansas City, Missouri: Office for Civil Rights, 1010 Walnut Street, Ste. 320, Kansas City, Missouri 64106; Phone: (816) 268-0550 or 877-521-2172 (TTY); and Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov).<sup>2</sup>

**REPORTING REQUIREMENT:** By **September 30, 2016**, the District will provide OCR with a copy of its draft revised notice of nondiscrimination for OCR's review and approval.

2. The District will publish its revised notice of nondiscrimination in electronic (including online) and printed publications for general distribution, including, but not limited to, the following publications: any publications containing general information about the District, student and employee handbooks, extracurricular activity application forms, and similar documents that it makes available to students, employees, and other interested persons. The District will also prominently display its revised notice of nondiscrimination in an easily visible location on its website.

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<sup>1</sup> OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

<sup>2</sup> The District may consult OCR's sample notice of nondiscrimination for further guidance at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

**REPORTING REQUIREMENT:** **Within 60 days** of receiving OCR’s approval of the revised notice of nondiscrimination the District will provide OCR with a current list of the posted, electronic (including online), and hard-copy publications containing the revised, OCR-approved notice of nondiscrimination, with links to the electronic publications and copies of the hard-copy publications.

## **HORIZON KIDS POLICIES AND PROCEDURES**

3. The District will ensure that Horizon Kids incorporates into its policies the District’s revised nondiscrimination statement; Board Policy IDACB – “Section 504 Accommodations for Students”; Board Policy JCE – “Complaints”; Board Policy KN – “Complaints”; Board Policy JGECA “Racial and Disability Harassment”; Board Policy JQA – “Temporarily Disabled Students”; and any other District policies or procedures relating to student rights under Section 504/Title II and the District’s grievance procedures for individuals with disabilities.
4. The District will work with Horizon Kids to develop and submit to OCR for its review and approval a draft protocol or set of procedures for ensuring equal opportunity for students with disabilities to participate in and benefit from Horizon Kids. The protocol/procedures will include a procedure for parents or guardians to request modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination.

**REPORTING REQUIREMENT:** By **September 30, 2016**, the District will provide OCR with a copy of (or electronic link to) Horizon Kids’ revised policies and procedures as set forth in Paragraphs 3 and 4 of this Agreement for OCR’s review and approval.

**Within 30 days** of OCR’s final approval of Horizon Kids’ revised policies and procedures, the District will provide written correspondence to all parents or guardians of students eligible to participate in Horizon Kids regarding Horizon Kids’ revised policies and procedures, including the procedures available to parents of disabled students.

**Within 60 days** of OCR’s final approval of Horizon Kids’ revised policies and procedures, the District will provide to OCR a copy of the notification to parents/guardians regarding the revised policies and procedures, along with a list or description of the recipients of the correspondence.

## **TRAINING**

5. The District will provide training for Horizon Kids staff regarding Horizon Kids’ revised policies and procedures as set forth in Paragraphs 3 and 4 of this Agreement, including the District’s policies and procedures prohibiting discrimination, harassment, and retaliation.

**REPORTING REQUIREMENT:** By **December 1st, 2016**, the District will submit to OCR documentation that demonstrates completion of the training required in Paragraph 5

of this Agreement. Such documentation should include the date(s) of the training session(s), an outline on the content of the training, the name and title of the trainer(s), and an attendance sheet signed by the participants providing their names, titles, and work location(s).

## **INDIVIDUAL RELIEF**

6. The District will ensure that Horizon Kids removes all reference to the Student's termination from Horizon Kids in the Student's records and the District's records. The District will provide written notification to the Complainant regarding these actions. The District will further provide a written invitation for the Student to seek re-enrollment in Horizon Kids that will include a description of the steps described below to afford the Student an equal opportunity to participate in Horizon Kids.

### **REPORTING REQUIREMENT:**

**Within 10 days** of the date of this Agreement, the District will submit documentation demonstrating that the Student's termination from Horizon Kids has been removed from District and Horizon Kids records and provide a copy of the written notice to the Complainant that the Student is invited to be reenrolled in Horizon Kids.

7. If the Complainant reenrolls the Student in Horizon Kids, the District will ensure that Horizon Kids will, within two weeks of the Student's enrollment, convene a meeting to develop a written plan to allow the Student an equal opportunity to participate in and benefit from the Horizon Kids program by addressing the Student's disabilities when he is in Horizon Kids. The meeting will include the Horizon Kids site director, the Complainant, special education and other professional staff who are familiar with the Student and his IEP and the services provided to him in school. The plan will address any specific staffing needs and any specialized training for Horizon Kids staff. The District will provide the plan for OCR's review and approval.

### **REPORTING REQUIREMENTS:**

If the Student reenrolls in Horizon Kids, the District will submit documentation as follows:

**Within 20 days** of the Complainant notifying Horizon Kids that the Student will reenroll, the District will submit a list of the names, positions, and work location of the individuals who participated in the meeting to develop the Student's plan and the plan that was developed for OCR's review and approval.

**Within 5 days** of receiving OCR's approval of the plan the District will ensure that Horizon Kids implements the plan.

**By October 15, 2016 and January 15, 2017**, the district will provide written reports regarding the Student's participation in Horizon Kids. The reports will include, at a minimum, a copy of any correspondence to or from the Complainant, a description of any

