

**Resolution Agreement
Shawnee Mission School District
OCR Docket # 07161172**

The Shawnee Mission School District (District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement (Agreement), to voluntarily resolve the above-referenced complaint which alleged the District discriminated against the student on the basis of disability, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulation (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), as amended, 42 U.S.C. §§ 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Before OCR completed its investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*.¹ Therefore, OCR has not made a final determination with respect to the 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 THE NOTICE OF NONDISCRIMINATION STATEMENT

1. The District will revise its notice of nondiscrimination to include the Boy Scouts of America Equal Access Act of 2001, 20 U.S.C. Section 7905, 34 C.F.R. Part 108² and will include contact information for OCR's regional office in Kansas City, Missouri as follows: 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).

Reporting Requirements: By June 1, 2017, the District will provide OCR the draft of the revised Notice of Nondiscrimination Statement for OCR's review and approval. OCR will notify the District whether the Notice of Nondiscrimination Statement is approved no later than July 31, 2017.

2. After receiving OCR's approval of the revised notice of nondiscrimination, the District shall adopt, publish and prominently display the OCR approved notice of nondiscrimination in easily visible location on its website and at the beginning of its electronic employee and/or student handbooks and/or manuals in a section entitled Notice of Nondiscrimination or a similar title, with a reference in the index or table of contents.

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

² OCR's guidance entitled *Notice of Non-Discrimination* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

Reporting Requirements: No later than August 15, 2017, the District will provide OCR with evidence of its adoption and publicizing of the new notice of nondiscrimination statement, as described at item 2.

REVISION AND PUBLICATION OF THE DISTRICT’S SECTION 504/TITLE II PROCEDURAL SAFEGUARDS NOTICE

3. The District shall revise the District’s Section 504/Title II procedural safeguards notice, and any related provisions in the District’s Section 504/Title II policies, procedures, manual, and forms, to comply with 34 C.F.R. § 104.36, including inserting an anti-retaliation provision.

Reporting Requirements: By June 1, 2017, the District will provide to OCR a copy of its draft revised procedural safeguards notice for OCR’s review and approval, as well as a copy of any related provisions as described above. OCR will notify the District whether the revisions meet the OCR’s approval no later than July 31, 2017.

4. After receiving OCR’s approval of the revised Section 504/Title II procedural safeguards notice, the District shall adopt and publish and prominently display the OCR approved Section 504/Title II procedural safeguards notice on its website and in the notices sent to/verifications sought from parents concerning the 2017-2018 school year.

Reporting Requirements: By August 15, 2017, the District will provide OCR with evidence of its adoption and publicizing of the approved notice and related documents, as described at item 4.

REVISION AND PUBLICATION OF THE DISTRICT’S POLICIES AND PROCEDURES HANDBOOK FOR STUDENTS AND PARENTS

5. The District shall review and revise the District’s Policies and Procedures Handbook for Students and Parents. The revisions will meet the requirements of 34 C.F.R. § 104.35 and will include, at a minimum, the following:
 - (a) A link to the District’s Section 504 and Title II Manual;
 - (b) A section that addresses students with disabilities and the District’s evaluation request process; and
 - (c) A section that deals with the discipline process of students with disabilities.

Reporting Requirements: By June 1, 2017, the District will provide to OCR copies of its draft revised policies and procedures handbook for students and parents for OCR’s review and approval. The OCR will notify the District whether the revisions meet the OCR’s approval no later than July 31, 2017.

6. After receiving OCR's approval of the revised policies and procedures handbook for students and parents, the District shall adopt and publish and the Policy and Procedures Handbook for Students and Parents (containing those revisions) on the District's website and in the notices sent to/verifications sought from parents concerning the 2017-2018 school year.

Reporting Requirements: By August 15, 2017, the District will provide OCR with evidence of its adoption and publicizing of the new policies and procedures handbook for students and parents.

SECTION 504 AND TITLE II TRAINING

7. **By October 16, 2017**, the District will conduct Section 504/Title II training for all teachers and staff at Hocker Grove who are involved in working with students with disabilities pursuant to Section 504 and Title II, including training on the District's Section 504 and Title II Procedures. The training shall be conducted by a qualified person with expertise in Section 504 and Title II and shall include the Section 504 and Title II requirements concerning identification, evaluation, placement, periodic reevaluation, reevaluation prior to a significant change in placement, manifestation determinations, and procedural safeguards.

Reporting Requirements: By October 31, 2017, the District will provide documentation to OCR demonstrating that its faculty and staff have completed the training pursuant to Item 7 above. The documentation shall include, at a minimum, the date(s) of the training session(s), the staff who attended the training session, a description of the presenter's background and qualifications, and a copy of the agenda and the training materials disseminated.

INDIVIDUAL REMEDY

8. **By June 1, 2017**, the District will convene a team of individuals (Team) to hold a manifestation determination meeting for the purpose of determining whether the Student's conduct that led to his in-school suspensions during the 2015-16 school year was caused by, or had a direct and substantial relationship to, the Student's disability.
9. The District will conduct the manifestation determination meeting in accordance with the procedural requirements of Section 504 and, if applicable, Individuals with Disabilities Education Act (IDEA) requirements. The Team meeting will be procedurally consistent with the requirements of 34 C.F.R. §§ 104.35 and 36. The District will ensure that any decisions reflect the judgment of the Team and not the judgment of a single individual. The District will ensure that the Student's parents are invited to the meeting and will permit the Student's parents to invite persons knowledgeable about the Student to attend the meeting. The Team will carefully consider all information provided by the Student's

parents and their invitees. The Team will include District employees who have knowledge of the matters being considered by the Team.

10. If the Team determines that the Student's behaviors were not a manifestation of his disability, the District will provide written notice of this decision, along with the revised Notice of Procedural Safeguards.
11. If the Team determines that the conduct that resulted in the Student's suspension was a manifestation of his disability, the District will confirm in writing to OCR that any information related to disciplinary incidents in which the Student was involved at the School during the 2015-2016 school year will not be used detrimentally against the Student, including using the information as a means of any progressive discipline against the Student.

Reporting Requirements: Within ten (10) calendar days of the manifestation determination hearing, the District will provide OCR with a copy of the notice of outcome sent to parents. If the Team determined that the Student's conduct was a manifestation of his disability, the District will provide OCR with a copy of the documentation included in the Student's disciplinary records prohibiting consideration of the Student's actions in future progressive disciplinary events.

12. If it is determined that the Student's behaviors were a manifestation of his disability, the District will, within ten (10) calendar days of the manifestation determination meeting, convene a team of persons knowledgeable about the Student, evaluative data, and placement options to determine whether the Student is entitled to compensatory services as a result of his suspension from school based on behaviors related to his disability.
 1. If the Team determines the student is entitled to compensatory services, including educational, social or emotional, the Team will determine the type and number of hours of compensatory services and develop a plan for providing those compensatory services to the Student within six months and the District will promptly notify the parents in writing of the compensatory services being offered at no cost to the parents and the proposed prompt initiation date of such services, along with the revised Notice of Procedural Safeguards.
 2. If the Team determines the student is not entitled to compensatory services, the District will provide written notice of this determination and a copy of the revised Notice of Procedural Safeguards.

Reporting Requirements: Except as otherwise provided below, within thirty (30) calendar days of the meeting of a group of persons knowledgeable about the child to

determine whether the Student is entitled to compensatory services, the District will submit the following to OCR:

- A list of the individuals who attended the meeting (by name, title, and role in the meeting);
- Documentation of the District's invitation to the parents to attend the meeting and obtain their input;
- A copy or summary of the information the Team considered in reaching its determination regarding whether and/or what compensatory services are appropriate for the Student;
- Notes from the meeting documenting that the Team carefully considered input from persons knowledgeable about the Student;
- If the Team finds the student's behaviors were a manifestation of his disability and that the student is entitled to compensatory services:
 - Documentation of the Team's decisions regarding the type and number of hours of compensatory services that are appropriate for the Student and the bases for those decisions;
 - Documentation of the plan for the prompt provision of compensatory services to the Student at no cost to the parents;
 - Documentation that the Complainant was notified in writing of the compensatory services offered by the District
- If the Team finds the student's behaviors were not a manifestation of his disability or that the student is not entitled to compensatory services, documentation that it provided written notice of those decisions to the parents.
- Documentation that the District provided the Complainant with revised Section 504/Title II Procedural Safeguards Notice.

Within six (6) months of the meeting, the District will submit documentation to OCR demonstrating that any of the compensatory services determined by the Team have been provided to the Student.

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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. 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 at 34 C.F.R. §§ 104.7, 104.33, and 104.35, and Title II at 28 C.F.R. §§ 35.107 and 35.130.

The District further 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. §§ 104.7, 104.33, and 104.35, and Title II at 28 C.F.R. §§ 35.107 and 35.130.

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 Resolution Agreement will become effective immediately upon signature of the District's Superintendent or designee below.

/S/ Jim Hinson
Dr. Jim Hinson, Superintendent
Shawnee Mission School District

5/18/17
Date