

RESOLUTION AGREEMENT
Lawrence School District
Docket # 07161184

The Lawrence School District (District), Lawrence, Kansas, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced disability discrimination complaint against the District and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws.

The Agreement addresses the Complainant's allegations that the District discriminated against her son (Student) by failing to fully implement his Section 504 plan and comply with the procedural notice requirements of Section 504 and its implementing regulations.

The District agrees to take the following actions:

1. **Within two (2) weeks** of the date of this Agreement the District will, after consultation with the Complainant, set a time to convene a meeting with a multidisciplinary team comprised of persons knowledgeable about the Student (Team), the meaning of the evaluation data, and the options available. The District will advise the Complainant, in writing, of the date of the meeting, and give the Complainant at least ten (10) calendar days to provide any information she would like the District to consider.

REPORTING REQUIREMENT: Contemporaneously with the written notification to the Complainant of the date of the new Section 504 plan meeting, the District shall provide OCR a copy of the written notice.

2. The District will ensure the meeting required by item 1 complies with the requirements of Section 504, including:
 - a. Any recommendations provided by the Student's doctors' and parent will be considered when determining the appropriate special education or related services to be provided to the Student to ensure that he receives a free, appropriate public education;
 - b. The Section 504 plan will identify the Student's modified attendance requirement, including a detailed description of the circumstances under which the District will require a doctor's note for the Student to receive an excused absence;
 - c. The Section 504 plan will identify the protocol for the Student's teachers to employ to determine the level of pain being experienced by the Student and what his medical needs may be; and
 - d. The Team will determine whether the Student requires compensatory educational services for the period of time during the 2015-16 school year during which the Student was supposed to receive two ten-minute breaks to self-engage in self-regulation exercises as

required by his Section 504 plan. If the Section 504 team determines compensatory educational and/or remedial services are required for the provision of a free appropriate public education (FAPE) to the Student, the Section 504 team will identify the necessary compensatory services and develop a written plan and schedule for providing those services; notify all staff responsible for providing the compensatory educational services of their responsibility in writing; provide the compensatory services according to the written plan or schedule; and document the provision of the compensatory educational services to the Student. If the Section 504 team determines no compensatory educational services are necessary for the provisions of a FAPE to the Student, the Section 504 team will identify the information considered in its decision and set forth the reasons for its decision in writing. The District will provide the complainant written notice of the District's procedural safeguards, including the right to challenge the Team's decision through an impartial due process hearing.

REPORTING REQUIREMENT: Within two (2) weeks of the completion of the Section 504 meeting, the District will provide OCR, for its review and approval, documentation of the Section 504 meeting. The documentation submitted shall include documents identifying the participants in the meeting, an explanation of the decisions made, the information considered by the Team, a copy of the revised plan (if revisions are made to the Student's 504 Plan), and a description of and schedule for providing compensatory educational and/or remedial services (if any) to the Student.

Within two (2) weeks of the date on which the District has provided the final compensatory educational and/or remedial services (if any) to the Student, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

3. The District will ensure that all administrators, teachers, nurses, and staff responsible for providing services to the Student are fully comprised of the requirements of his Section 504, including any modifications resulting from the Team's deliberations pursuant to item 2, and their respective obligation to fully comply with its provisions.

REPORTING REQUIREMENT: Within two (2) weeks of the completion of the Section 504 meeting, the District will provide OCR with a copy of the written notice to administrators, teachers, nurses and staff responsible for providing services to the Student, including the names and positions of the persons to whom the notice was sent, which identifies their respective obligations to satisfy the terms of the Section 504 plan.

4. **Within two (2) weeks** of the date of this Agreement, the District will develop a recordkeeping procedure for documenting the District's implementation of the Student's Section 504 Plan,¹ and within **five (5) business days** of receiving OCR's approval of the procedure, the District will notify all administrators, teachers, and staff responsible for providing services to the Student of their obligation to fully document the implementation of

¹ This applies to the current Section 504 Plan and any updated plans.

his Section 504 Plan. The District may consult with OCR for technical assistance when developing a recordkeeping procedure.

REPORTING REQUIREMENTS: Within three (3) weeks of the date of this Agreement, the District will provide OCR a copy of its recordkeeping procedure for documenting the District’s implementation of Student’s Section 504 plan for OCR’s review and approval. **Within five (5) business days** of receiving OCR’s approval of the procedure, the District will provide OCR with documentation establishing that the notification referenced above has been accomplished.

By June 30, 2017 and January 31, 2018, the District will provide OCR documentation pursuant to its recordkeeping procedure illustrating that the District has fully implemented the Student’s Section 504 Plan from the date of this Agreement through the end of the second semester of the 2016-17 school year and the first semester of the 2017-2018 school year.

5. **By August 31, 2017**, the District will provide Section 504/Title II training² to all administrators, teachers and staff, including individuals responsible for implementing Section 504/Title II including the designated contact person(s) for complaints of discrimination under Section 504/Title II. The training must include, at a minimum:
 - a. The definition of an individual with a disability and the definition of major life activities consistent with Section 504 and the Americans with Disabilities Act Amendments Act of 2008;
 - b. the role of the District’s Section 504 coordinator;
 - c. the District’s procedure for referring a student for a Section 504 evaluation;
 - d. a review of the District’s obligation to provide a free appropriate public education to each qualified student with a disability in its jurisdiction;
 - e. a review of the District’s obligation to ensure that the evaluation and placement process includes consideration of information from a variety of sources, including input from parents/guardians;
 - f. a review of the District’s obligation to ensure that parent(s) or guardians of a child with a disability are provided notice with respect to identification, evaluation, or placement of the child;
 - g. a review of the District’s obligation to ensure that determinations as to whether a student is a qualified individual with a disability are made by a group of individuals knowledgeable about the student, including the student’s parent or guardian;

² The training may be completed in-person or electronically.

- h. a review of the District’s obligation to ensure Section 504 meetings are conducted in accordance with Section 504 and the implementing regulation, at 34 C.F.R. Section 104.35 (evaluation and placement) and Section 104.36 (procedural safeguards);
- i. the full range of services that can be provided under Section 504, including special education and related aids and services;
- j. the District’s obligation to consider the appropriateness of disciplining a student with a disability when the student’s alleged misconduct or behavior is potentially a result of that student’s disability; and
- k. a review of the District’s obligation to implement the Section 504 plan and ensure that the District monitors the implementation of the Section 504 plan.

REPORTING REQUIREMENT: Within thirty (30) days of completing the training required in Paragraph 5, the District will provide OCR documentation showing it has completed the training described above. The documentation must identify: (a) the date and location 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, title and work location of each District administrator or employee who attended the training (a sign-in sheet with the attendees’ names, titles, and work locations is sufficient).

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 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 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 sixty (60) calendar days to cure the alleged breach.

The person(s) signing for the District represents that he is authorized to bind the District and to this Agreement.

For the District:

Kyle Hayden
Superintendent of the District

Date