

RESOLUTION AGREEMENT
North Kansas City #74 School District
OCR Case Number 07-17-1177

The U.S. Department of Education, Office for Civil Rights (OCR), and the North Kansas City #74 School District (District), Kansas City, Missouri, enter into this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. The District agreed to resolve the complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of 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 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.

POLICY/PROCEDURE REGARDING EVALUATION REQUESTS

1. The District will develop a written policy or procedure setting out its process for handling requests from parents and legal guardians (collectively referred to as "parents" for the remainder of the Agreement) for a Section 504 evaluation of or Section 504 plan for a student, and process for handling requests from parents for a special education evaluation of or Individualized Education Program (IEP) for a student. The policy/procedure will specifically address how requests received during the second semester of the school year will be processed, including requests received close to the end of the regular school year. The policy/procedure will also address the District's obligation to conduct, within a reasonable period of time, a Section 504 evaluation of any student who, because of disability, needs or is believed to need special education or related aids and services.

REPORTING REQUIREMENT: By November 15, 2017, the District will submit the policy or procedure it developed to satisfy item 1 of this Agreement to OCR for OCR's review and approval.

2. Within 45 calendar days of receiving OCR's written approval of the policy or procedure it developed to satisfy item 1 of this Agreement, the District will adopt the policy/procedure and disseminate the policy/procedure to all District administrators, teachers, paraprofessionals, counselors, social workers, and school psychologists.

REPORTING REQUIREMENT: Within 60 calendar days of receiving written approval from OCR of the policy/procedure it developed to satisfy item 1 of this Agreement, the District will provide OCR documentation showing it has complied with item 2 of this Agreement.

TRAINING FOR HIGH SCHOOL EMPLOYEES

3. By February 28, 2018, and annually, the District will provide training to all of its high school administrators, teachers, counselors, social workers, and school psychologists regarding the

District's obligations under Section 504 and Title II. At a minimum, the training will address:

- a) Section 504's and Title II's prohibition against discrimination on the basis of disability;
- b) the District's obligation to conduct a Section 504 evaluation of any student who, because of disability, needs or is believed to need special education or related aids and services;
- c) the District's process for handling requests from a student's parent(s) for a Section 504 evaluation of or Section 504 plan for a student, including requests made during the second semester of the school year;
- d) the District's process for handling requests from a student's parent(s) for a special education evaluation of or Individualized Education Program (IEP) for a student, including requests made during the second semester of the school year;
- e) who in the District to contact with questions regarding the District's process for evaluating, or deciding when to evaluate, a student to determine if he or she qualifies for a Section 504 plan or an IEP; and
- f) the District's obligation to notify parents of their procedural safeguards, including their right to challenge a decision by the District not to evaluate a student under Section 504.

REPORTING REQUIREMENT: By February 28, 2018, the District will provide OCR documentation showing it has completed the initial training session required by item 3 of this Agreement. The documentation must identify and include: the name and title of the individual(s) who conducted the training; the date, time, and location of the training; the topics addressed at the training; a copy of any materials distributed at the training; and a sign-in sheet with the name and title of each individual who participated in the training. The District does not need to submit documentation to OCR regarding subsequent annual training sessions contemplated by item 3 of this Agreement unless OCR requests such information from the District.

REFERRAL OF SECTION 504 REQUESTS

4. The North Kansas City High School principal, or the principal's designee(s), will refer each parent request received during the 2017-18 school year for a Section 504 evaluation of, or Section 504 plan for, a North Kansas City High School student to the District's Section 504 coordinator in writing. Requests received prior to the execution of this Agreement will be conveyed to the Section 504 coordinator by October 31, 2017, and requests made after the execution of this Agreement will be conveyed to the Section 504 coordinator within 10 calendar days of receipt by North Kansas City High School personnel.

REPORTING REQUIREMENT: By November 15, 2017, the District will provide OCR documentation showing it has complied with item 4 of this Agreement with regard to parent requests received prior to the execution of this Agreement.

REPORTING REQUIREMENT: By June 15, 2018, the District will provide OCR documentation showing it has complied with item 4 of this Agreement with regard to parent requests received after the execution of this Agreement.

5. The District's Section 504 coordinator will promptly review the information he or she receives pursuant to item 4 of this Agreement to help ensure that North Kansas City High School personnel are appropriately processing requests from parents for a Section 504 evaluation of, or Section 504 plan for, a student.

REPORTING REQUIREMENT: By December 1, 2017, the District will provide OCR documentation showing it has complied with item 5 of this Agreement with regard to parent requests received prior to the execution of this Agreement.

REPORTING REQUIREMENT: By June 15, 2018, the District will provide OCR documentation showing it has complied with item 5 of this Agreement with regard to parent requests received after the execution of this Agreement.

INDIVIDUAL REMEDIES

6. If the Complainant and Student move out of the District prior to the end of the first semester of the 2017-18 school year, the District will allow Student to continue all of the online Plato courses offered by the District that she started prior to moving and is able to complete for credit by December 20, 2017 (the end of the Fall 2017 semester), unless the Complainant: a) withdraws the Student from the District, transfers her to another school district, or decides to homeschool Student; or b) informs the District that she no longer wants Student to continue the online Plato courses.

REPORTING REQUIREMENT: If applicable, by January 15, 2018, the District will provide OCR documentation showing that it complied with item 6 of this Agreement.

7. The District will continue implementing the Section 504 plan in place for the Complainant's daughter (Student) as long as the plan remains in effect and Student is enrolled in the District. If needed and Student continues to be enrolled in the District, Student's Section 504 team will reconvene to update her Section 504 plan.

REPORTING REQUIREMENT: By November 15, 2017, the District will provide OCR a copy of Student's Section 504 plan and, if not evident from the plan, a list with the name and title of each individual who participated in developing the plan. In addition, the District will provide OCR a copy of all existing documentation regarding the District's determination that Student is eligible for a Section 504 plan.¹

¹ The District will submit this information to OCR regardless of whether Student remains enrolled in the District. If Student withdraws from or transfers out of the District, the District will provide OCR a copy of Student's most recent Section 504 plan and the additional documentation described in this reporting requirement.

8. By October 25, 2017, the District’s homeless coordinator will contact the Complainant by telephone and by email to inform her about District Policy IGBCA, *Programs for Homeless Students*, and its applicability to her family’s living situation, and about homeless families’ rights under the McKinney-Vento Homeless Children’s Assistance Act (McKinney-Vento).

REPORTING REQUIREMENT: By October 31, 2017, the District will provide OCR documentation showing that it complied with item 8 of this Agreement.

9. If the Complainant and Student move into temporary housing located outside of the District’s boundaries during the 2017-18 school year, the District will determine, consistent with District Policy IGBCA, McKinney-Vento, and applicable state law, whether Student qualifies as a “homeless student” and, if so, what her “school of origin” is and the extent to which it is feasible to educate Student in her school of origin while Student is living outside of the District. The District will promptly notify the Complainant of its determination, her right to challenge the determination if she disagrees with it, and the process for challenging the determination.

REPORTING REQUIREMENT: The District will provide OCR documentation showing that it complied with item 9 of this Agreement within 20 calendar days of making the determination(s) required by item 9.

10. If Student remains enrolled in the District, or is disenrolled from and reenrolls in the District during the 2017-18 school year, the District will draft a written plan setting out how it intends to conduct a special education evaluation of Student under the Individuals with Disabilities Education Act (IDEA). The plan should outline the elements, or components, of the evaluation and address the District’s timeline for completing the evaluation, including how the timeline is being or will be impacted if Student is hospitalized, is not attending school on a regular basis, and/or the Complainant asks the District to postpone its special education evaluation of Student.

REPORTING REQUIREMENT: If Student remains enrolled in the District, by October 31, 2017, the District will provide OCR a copy of the plan it drafted to satisfy item 10. If Student is disenrolled from then reenrolls in the District during the 2017-18 school year, the District will provide OCR a copy of the plan it drafted to satisfy item 10 of the Agreement within 20 calendar days of Student reenrolling in the District. If Student is disenrolled from and does not return to the District during the 2017-18 school year, the District is not required to implement item 10 of the Agreement.

11. If Student remains enrolled in the District, or is disenrolled from and reenrolls in the District during the 2017-18 school year, and the District determines that Student qualifies for an IEP, Student’s IEP team will promptly develop an IEP for Student.² The IEP team will also develop, within 30 calendar days of developing the IEP for Student, a plan for providing compensatory and/or remedial educational services to Student (Service Plan) for the period of time during the 2016-17 school year in which Student was enrolled in the District and the

² If applicable and at the Complainant’s request, the District may postpone its special education evaluation while Student is temporarily living outside of the District’s boundaries.

District was aware of her disability. If needed, the District’s general counsel, or his designee, will help the IEP team determine when the District was first notified about Student’s disability. The District’s special education director and/or Districtwide 504 coordinator will also participate in developing the Service Plan for Student, and the Complainant will be invited to participate in developing the plan. The Service Plan will identify the nature and amount of services to be provided (at no cost to the Complainant), who will provide the services, and when the services will be provided. If the District determines that Student does not qualify for an IEP, Student’s Section 504 team will convene, within 30 calendar days of the determination that Student does not qualify for an IEP, to develop the Service Plan in lieu of the IEP team.

REPORTING REQUIREMENT: If applicable, within 30 calendar days of developing an IEP for Student, the District will provide OCR a copy of the IEP. If not clear from the IEP, the District will include the name and title of each individual who participated in developing the IEP.

REPORTING REQUIREMENT: If applicable, within 20 calendar days of developing a Service Plan for Student, the District will provide OCR a copy of the Service Plan. If not clear from the plan, the District will include the name and title of each individual who participated in developing the plan. The District will also provide OCR copies of any information/documents considered by Student’s IEP or Section 504 team when developing the Service Plan for Student, and a list of what factors the team considered in developing the plan for Student.

12. Within 60 calendar days of the date this Agreement is executed, Student’s Section 504 team, or IEP team (if the District determines that Student is eligible for an IEP within that 60-day timeframe), will determine whether the failing grade Student received in XXXXX XXXXX during the 2016-17 school year was related to, or because of, Student’s disability.³ If the Section 504/IEP team determines that the failing grade was related to Student’s disability, the District will remove the failing grade from Student’s transcript. (The District may replace the grade with a “withdraw,” “incomplete,” or other indicator that will not negatively impact Student’s grade point average.)

REPORTING REQUIREMENT: Within 90 calendar days of the date this Agreement is executed, the District will provide OCR documentation showing it has satisfied item 12 of this Agreement. The documentation will include a copy of Student’s updated official transcript, if applicable.

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 Section 504 and its implementing regulation at 34 C.F.R.

³ The District will convene Student’s Section 504 team or IEP team for purposes of making this determination regardless of whether Student remains enrolled in the District.

§§ 104.33 and 104.35, and the Title II implementing regulation at 28 C.F.R. § 35.130. 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.

/s/ Dr. Dan Clemens
Dr. Dan Clemens, Superintendent
Kansas City #74 School District

10-25-17
Date