

RESOLUTION AGREEMENT

Liberal U.S.D. # 480

OCR Docket Number 07-18-1091

The U.S. Department of Education, Office for Civil Rights (OCR), and the Liberal U.S.D. # 480 (District) enter into this agreement to resolve the allegation in the above-referenced complaint. 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 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, which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

INDIVIDUAL RELIEF

- 1) The District shall assign the Complainant's daughter (Student) to classroom and special education teachers who were not involved in the incident on January 30, 2018, for the Student's 2018-19 academic year (5th grade).

REPORTING REQUIREMENT: Within 20 calendar days after this Agreement is signed, the District shall provide to OCR a copy of the Student's 2018-19 class schedule, including the assigned teacher for each class.

TRAINING

- 2) By **September 28, 2018**, the District will provide training on the subject of Section 504 and Title II compliance and the anti-discrimination and anti-retaliation requirements of those laws, to District officials and staff, including but not limited to, administrators, teachers, substitute teachers, staff, paraprofessionals, nurses, and the designated Section 504/Title II compliance coordinator and investigator(s). The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to disability discrimination, and in particular Section 504 and Title II. The training will include the following:
 - a) The general anti-discrimination and anti-retaliation provisions of Section 504 and Title II.
 - b) The provision of FAPE, including appropriate accommodations, modifications, or supports, for school jobs or life skills activities and other academic programs.
 - c) The provision of non-academic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for

participation in such services and activities, including a description of non-academic and extracurricular activities set forth in 34 C.F.R. § 104.37(2).

- d) Privacy requirements for students with disabilities, including the discontinuation of any policy or practice by nursing staff of contacting individuals outside the District without parental/guardian consent and acting contrary to a medical directive provided by parents/guardians without parental/guardian consent.
- e) The current classroom visitation policy, which allows parents/guardians access to regular and special education classrooms, and any required procedures for parents/guardians of all students (with and without disabilities). The District will ensure the current visitation policy and any required procedures are available in writing to trainees, employees, and members of the public.

REPORTING REQUIREMENT: By October 15, 2018, the District will provide to OCR documentation showing it has completed the training required above. The documentation must identify:

- a) the date, time, and location of the training;
- b) the topics addressed at the training (the District may provide OCR an outline of the training and 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 employee who attended the training (a sign-in sheet with the attendees' names, signatures, titles, and work locations is sufficient).

GENERAL PROVISIONS

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 the regulation implementing Section 504, 29 U.S.C. § 794 at 34 C.F.R. § 104.44, and with 2 U.S.C §12131 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.

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

/s/ Renae Hickert
Renae Hickert, Superintendent

September 18, 2018
Date