

**Resolution Agreement**  
**Newton Unified School District 373**  
**OCR Case Number 07191174**

The Newton Unified School District 373, Newton, Kansas, voluntarily enters this Agreement to resolve Allegation 1(a) in the above-referenced complaint filed under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 34, which prohibit discrimination on the basis of disability by recipients of federal financial assistance, 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, which prohibit discrimination on the basis of disability by public entities.

Before OCR completed its investigation, the Newton Unified School District 373 agreed to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not made any conclusions of law or issued a final determination with respect to this complaint. While the District agrees to take the following actions, nothing contained in this Agreement shall be construed as an admission on its part to any of the allegations in the complaint.

The Newton Unified School District agrees to take the following actions.

1. By \_\_\_\_\_, the Newton Unified School District 373 will review its practice of having students in the XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX perform nonacademic chores, such as XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX; XXXXX XXXXX, XXXXX XXXXX XXXXX; XXXXX; and XXXXX. The District will modify its practice so that students with a disability are not treated differently than students without a disability with regard to performing such nonacademic chores unless doing so is necessary to provide students with a disability with aid, benefits or services as effective as those provided to others.

REPORTING REQUIREMENT: By \_\_\_\_\_, the Newton Unified School District 373 will provide OCR documentation that it has reviewed and modified, as needed, its practice of having XXXXX students perform nonacademic chores. The documentation will include, at a minimum, the name and positions of each individual involved in conducting the review, a description of the information considered in the review, the results of the review, and a description of modifications made as a result of the review.

2. By \_\_\_\_\_, the Newton Unified School District 373 will determine the amount of compensatory education services appropriate for each student XXXXX XXXXX XXXXX XXXXX and develop a plan for providing the compensatory education services to them. The amount of compensatory education services appropriate for each XXXXX student is the amount necessary to make up class time each XXXXX student missed during the 2018-19, 2019-20, and 2020-21 school years while performing nonacademic chores. The plan will identify the compensatory education services to be

provided to each XXXXX student, who will provide them, the manner in which they will be provided, and a schedule for providing them.

REPORTING REQUIREMENT: By \_\_\_\_\_, the Newton Unified School District 373 will provide OCR a list of the individuals by name and position who determined appropriate compensatory education services; a copy of the plan for providing the compensatory education services; and a description of the process used to determine (calculate) the amount of compensatory education services appropriate for each XXXXX student.

3. By \_\_\_\_\_, the Newton Unified School District 373 will send written notification to the parents or guardians of each XXXXX student who the District determines is entitled to compensatory education services. The written notification will include the amount of services offered, the dates when the services will be provided, a description of the manner in which the services will be provided.

REPORTING REQUIREMENT: By \_\_\_\_\_, the Newton Unified School District 373 will provide OCR a copy of the written notifications sent to parents of students XXXXX XXXXX XXXXX XXXXX.

4. By \_\_\_\_\_, the Newton Unified School District 373 will provide the compensatory education services deemed appropriate for students XXXXX XXXXX XXXXX XXXXX to all of the students whose parents or guardians accept the offer of compensatory services offered by the District.

REPORTING REQUIREMENT: By \_\_\_\_\_, the Newton Unified School District 373 will provide OCR documentation of the compensatory education services provided to students XXXXX XXXXX XXXXX XXXXX. The documentation will include, but may not be limited to, a list of the XXXXX students whose parents accepted the offer of compensatory services; student attendance records; and documentation of the academic services provided.

The Newton Unified School District 373 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 regulations implementing Section 504 and Title II. Upon completion of the obligations under this Agreement, OCR shall close this case.

The Newton Unified School District 373 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 Newton Unified School District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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Superintendent  
Newton Unified School District #373

Date