

Resolution Agreement
OCR Case No. 07-20-1117
Independence #30 School District

The Independence #30 School District (District) enters into this agreement to resolve the allegations 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, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance (FFA), and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35 which prohibit discrimination on the basis of disability by public entities.

Before OCR completed its investigation, the District agreed to resolve the 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 regard to this complaint. While the District agrees to take the following actions, nothing contained in this Agreement shall be construed as an admission on the part of the District to the allegations in the complaint.

Section 504 Accommodation Review

1. By September 15, 2020, the District will convene a Section 504 review meeting, in order to discuss the student's current Section 504 plan and whether any changes to that plan are necessary.
 - a. The District will inform the complainant, in writing, of the date of the Section 504 review meeting with at least ten (10) calendar days prior notice, unless waived by the Complainant.
 - b. The District will provide the Complainant with a meaningful opportunity to provide input into all determinations made by the review team as well as written notice of the determinations made, and notice of the procedural safeguards available to the Complainant under 34 C.F.R. § 104.36, including her right to challenge such determinations through an impartial due process hearing should she disagree with the determinations.
 - c. The District will consider during the review, whether the Student is in need of compensatory services, and if it is determined that the Student is in need of compensatory services, the District will provide those services as needed.

REPORTING REQUIREMENT IA: By September 15, 2020, the District will provide OCR a copy of the notice of the Section 504 review meeting required by Section 1 of this Agreement and evidence that the notice was sent to the Complainant as required by Section 1 of this Agreement.

REPORTING REQUIREMENT 1B: Within ten (10) business days following the Section 504 review meeting required by Section 1 of this Agreement, the District will submit the following to OCR:

- a. A copy of the Section 504 accommodation plan;
- b. A copy of any the notice of procedural safeguards provided to complainant as required by Section 1 of this Agreement, along with evidence of when the notice was provided to the Complainant; and
- c. A copy of the written determination of whether or not the Student is in need of compensatory services, and if so, the District's plan to provide those services.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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. § §104.4 and 104.38. 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/

Superintendent or Authorized Designee
Independence #30 School District

July 28, 2020

Date