

**Resolution Agreement**  
**OCR Case No. 07201206**  
**USD 245 Southern Coffey County School**

The USD 245 Southern Coffey County School (District) voluntarily 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.

1. By no later than January 8, 2021, the District will issue a memorandum to all teachers responsible for providing educational services reminding staff of their obligations to implement any student's current Section 504 Plan or Individualized Education Program (IEP), and to promptly communicate to the District's Section 504 Coordinator if a student exhibits a need for a Section 504 Plan or IEP. The District will also offer to teachers the opportunity to meet with the District's Section 504 Coordinator to discuss how to appropriately initiate a request for a Section 504 Plan or IEP and to implement a Section 504 Plan or IEP.

**REPORTING REQUIREMENT 1:** By January 15, 2021, the District will provide OCR with a copy of the memorandum issued to relevant staff in accordance with paragraph 1 of this Agreement.

2. The Student is no longer enrolled in the District, however, if the Student reenrolls in the District during the 2020-21 or 2021-22 school year, within 10 days of the Student's reenrollment, the District will notify the Complainant by certified letter of its intent to immediately implement the Student's current 504 Plan and/or IEP, if applicable. In the letter, the District will include a notice to the Complainant to convene a review meeting for the Student's current Section 504 Plan and/or IEP, if applicable, in order to discuss the Student's current Section 504 plan and/or IEP and whether any changes to that plan are necessary.
  - a. The date of the Section 504 review meeting must be at least ten (10) calendar days after the date of the letter, unless waived in writing 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.
- d. The District will include a copy of this Agreement in the Student’s permanent District record.

**REPORTING REQUIREMENT 2:** Within 10 business days of signing this agreement, the District will provide OCR with evidence that this Agreement has been included in the Student’s permanent District record as required by paragraph 2(d) of this Agreement.

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.

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Superintendent or Authorized Designee  
USD 245 Southern Coffey County School

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Date