

Resolution Agreement
Onaga-Havensville-Wheaton USD #322
OCR Case No. 07211073

The U.S. Department of Education, Office for Civil Rights (OCR) and Onaga-Havensville-Wheaton USD #322 (District), in Onaga, Kansas, enter into this voluntary Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint, pursuant to Section 302 of OCR's *Case Processing Manual*,¹

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, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the following actions:

Action Item 1: By August 11, 2021, the District will issue a memorandum to all teachers responsible for providing educational services to the Complainant's son (the Student) explaining to staff their obligations to implement the Student's Section 504 Plan, and offering to teachers the opportunity to meet with the District's Section 504 Coordinator to discuss how to implement the requirements of the Student's Section 504 Plan.

REPORTING REQUIREMENT 1: By August 23, 2021, the District will provide OCR a copy of the memorandum issued pursuant to Action Item 1 of this Agreement.

Action Item 2: During the duration of this Agreement, the District will provide OCR with an updated copy of the Student's Section 504 Plan, if it is revised during the 2021 fall semester.

REPORTING REQUIREMENT 2: The District will provide OCR a copy of the Student's Section 504 Plan, if it is revised during the 2021 fall semester, within 10 business days of any revision.

Action Item 3: By August 23, 2021, the District will complete a review the Student's transcript and class grades for the 2021 Spring semester in order to identify if there are any missing assignment submissions and to determine if such missing assignments were documented in the Student's daily planner, as required by the Student's Section 504 Plan that was existing at the time the assignments were due. If any class assignments were not documented in the Student's daily planner as required by the Student's Section 504 Plan that was existing at the time the assignments were due, the District will develop a plan to allow the Student a reasonable amount of time to complete and submit the missing assignments for full credit and

¹ The *Case Processing Manual* is available on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

in conformity with any relevant adjustments or accommodations that were in the Student’s Section 504 Plan that was existing at the time the assignments were due. The District will revise the Student’s official transcript of grades to reflect any grade change resulting from the submitted work.

REPORTING REQUIREMENT 3A: By September 3, 2021, the District will notify OCR and the Complainant of the District’s determination regarding the missing assignment review required by Action Item 3 of this Agreement. Additionally, if the District determines that the Student will be permitted to submit missing assignments for credit, the District will provide OCR and the Complainant a copy of the District’s plan to and timeframe for the Student to submit, and for the District to review and grade, the relevant missing assignment(s). If the District determines that the Student will not be permitted to submit a missing assignment for credit, the District will provide OCR and the Complainant a written explanation of which missing assignment(s) is/are missing and why the Student will not be allowed to submit that assignment for credit.

REPORTING REQUIREMENT 3B: By September 10, 2021, the District will provide OCR with a copy of the Student’s transcript of grades, and state whether the transcript was amended in accordance with Action Item 3 of this Agreement. If the Student submitted assignments under the plan, but the assignments did not result in a change in grade, the District will provide an explanation of why the Student’s grades remained the same.

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 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. 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.

Superintendent

Date