

**RESOLUTION AGREEMENT**  
**Harrisburg School District 41-2**  
**OCR Case Number 07221019**

The Harrisburg School District 41-2 (District), Harrisburg, South Dakota, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 07221019 and ensure the District's compliance with 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 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

The District voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

**GRIEVANCE PROCEDURE**

1. The District will develop, adopt and implement a Section 504 grievance procedure to provide for the prompt and equitable resolution of complaints of discrimination, including harassment, based on disability. The procedure must incorporate appropriate due process standards, such as (1) adequate definitions of prohibited discrimination and harassment; (2) designated and reasonably prompt timeframes for completion of major stages of the grievance process; (3) adequate, reliable, and impartial investigation of complaints; (4) written notice to both parties of the outcome of the complaint; and (5) an assurance that the District will take steps to prevent recurrence of any disability discrimination or harassment and correct its discriminatory effects on students.

**Reporting Requirement:** By \_\_\_\_\_, the District will adopt and disseminate the grievance procedure to all District administrators, staff, and parents of students with Section 504 plans or Individualized Education Programs (IEPs). The District will post the grievance procedure in a prominent location on the District's website and provide OCR a copy of the grievance procedure. The District will also provide OCR documentation showing that the grievance procedure was adopted, disseminated and posted.

2. By \_\_\_\_\_, the District will provide training about implementing the grievance procedure to all District administrators, faculty and staff who are involved in the investigation, resolution, adjudication or appeal of Section 504 grievances.

**Reporting Requirement:** Within 30 calendar days of providing the training required by item 2 of this Agreement, the District will provide OCR documentation showing it has completed the training. The documentation must include: the name and title of the individual who conducted the training; the date and location of the training; the topics covered by the training; a copy of any materials distributed at the training; and a sign-in sheet with the name and title of each individual who participated in the training.

**INDIVIDUAL REMEDY**

3. By \_\_\_\_\_, the District will provide the Complainant a prompt and equitable grievance process in response to the Complainant’s October 6, 2021, grievance using the grievance procedures developed and adopted pursuant to this Resolution Agreement.

**Reporting Requirement:** Within 30 calendar days of the conclusion of the grievance process required by item 3, the District will provide OCR a copy of all records pertaining to the District’s investigation and resolution of the Complainant’s October 6, 2021 grievance including but not limited to the grievance, interview summaries and notes, documentary evidence considered, electronic evidence considered, an investigative report if any, internal and external communication related to the grievance (i.e., letters, emails, notes from meetings and telephone calls, contact logs), the findings and conclusion, notice to the Complainant of the outcome of the grievance, appeals, and notice of the outcome of any appeals.

The District understands that by signing this Resolution Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements set forth in this Resolution Agreement. Further, the District understands that during the monitoring of this Resolution Agreement, if necessary, OCR may visit the District, interview employees 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 Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.7(b) and Title II at 28 C.F.R. § 35.107(b), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Resolution Agreement until OCR determines that the District has fulfilled the terms of this Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.7(b) and Title II at 28 C.F.R. § 35.107(b), which were at issue in 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 Resolution Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_  
Superintendent (or designee)  
Harrisburg School District 41-2

\_\_\_\_\_  
Date