

RESOLUTION AGREEMENT
Waverly/South Shore School District
OCR Docket Number 07221221

The Waverly/South Shore School District (District), located in Waverly, South Dakota, submits this Resolution Agreement (Agreement) to resolve the allegation in the above-referenced complaint. The District will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws. The District voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation, pursuant to Section 302 of OCR's *Case Processing Manual*. This Agreement does not constitute an admission of liability, noncompliance, or wrongdoing by the District. Accordingly, the District agrees to take the following actions:

A. IMPLEMENTATION OF SECTION 504 PLAN

1. By October 1, 2022, the District will issue a memorandum to all teachers responsible for providing educational services to the Student reminding staff of their obligations to implement the provisions of Student's 504 Plan.
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 2022-23 school year.
3. The District will fully implement all Section 504 Plans or Individualized Education Programs (IEPs) developed for the Student.

B. TRAINING

- 1) The District will provide training on the subject of Section 504 and Title II compliance to District officials and teaching staff, including administrators and the designated Section 504 compliance coordinator. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II compliance. The training will include:
 - (a) A review of the District's Section 504 and Title II policies and procedures with respect to the District's obligations to provide a Free Appropriate Public Education (FAPE), including the definition of FAPE and the District's duty to provide FAPE to students with disabilities, including evaluation, placement and implementation of students' 504 Plans;
 - (b) A discussion of the District's evaluation and eligibility determination procedures and timeframes required under applicable Section 504 and Title II provisions; and

- (c) Education about specific categories of disabilities, including autism, intellectual disabilities, physical disabilities, developmental disabilities and emotional disturbance; including education about Attention Deficit Hyperactivity Disorder (ADHD), and the types of behavioral and executive function supports available to students to improve focus and organizational skills.

REPORTING REQUIREMENTS:

- 1) With respect to **Action Item A**, by June 10, 2023, the District will provide OCR documentation that confirms the District complied with Section A above during the 2022-2023 school year. Documentation must include:
 - (a) a copy of the memorandum directing teachers to comply with the Student's 504 Plan;
 - (b) documentation recording the use of the Student's planner;
 - (c) any updated Section 504 Plan for the Student.

- 2) With respect to **Action Item B**, by June 10, 2023, the District will provide documentation to OCR documentation showing it has completed the training. The documentation must identify the following:
 - (a) Date, time, and location of the training;
 - (b) Topics addressed at the training (the District may provide OCR an outline of the training and a copy of the materials disseminated at the training);
 - (c) Name(s), title(s), and credentials of the individual(s) who conducted the training; and
 - (d) Name, title, and work location of each employee who attended the training (a sign-in sheet with the attendees' names, signatures, titles, and work locations is sufficient).

GENERAL PROVISIONS

The District understands that by signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the 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 and obligations of this Agreement.

The District understands that OCR will not close the monitoring of this agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and the statute and regulations at issue in the case.

The District understands and acknowledges that OCR may initiate administrative enforcement proceedings or refer this case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/

XXX XXXX, Superintendent of the District

September 19, 2022

Date