

RESOLUTION AGREEMENT

Independence #30 School District OCR Complaint No. 07221400

To resolve OCR Complaint No. 07221400, the Independence #30 School District (District), located in Independence, Missouri, assures the U.S. Department of Education, Office for Civil Rights (OCR), it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, its implementing regulation at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, 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 Resolution Agreement (Agreement) does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

I. Individual Remedy

Within fifty (50) days after the execution of this Agreement, the District will convene a group of persons (multi-disciplinary team) pursuant to Section 504 to evaluate the Complainant's XXXXX (the Student) to identify any disabilities, and, if necessary, develop a plan to meet her educational needs in accord with the requirements of Section 504 and 34 C.F.R. § 104.33–36.

During the meeting, the District will also consider whether the Student requires compensatory and/or remedial services, including, without limitation, any such services that are necessary for the time the Student was enrolled in virtual learning (the XXXXX semester of the XXXXX – XXXXX school year). If the District determines the Student requires compensatory and/or remedial services, within two weeks of that determination, the multi-disciplinary team will develop a plan for providing timely compensatory and/or remedial services. The District will also provide the Complainant notice of procedural safeguards, including the right to challenge the multi-disciplinary team's determination through an impartial due process hearing.

REPORTING REQUIREMENT:

Within fifteen (15) calendar days of the District convening the multi-disciplinary team, the District will submit to OCR documents supporting the team's decisions. The documentations submitted will include the names of all participants, an explanation for decisions made, the information considered, a copy of the Section 504 Plan developed for the Student (if any), a description and schedule of any compensatory and/or remedial services to be provided to the Student, and documentation that the District notified the Complainant of all determinations, and met all procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations.

II. Training

No later than ninety (90) calendar days after signing this Agreement, the District will provide training to administrators, teachers, and other staff responsible for the evaluation of students pursuant to Section 504 at XXXXX XXXXX XXXXX. This training will address, without limitation, the following topics: (1) the District’s policies and procedures for identifying and evaluating students with disabilities; (2) the District’s responsibilities under Section 504 and Title II with respect to the identification, eligibility determination, and evaluation of students with disabilities; and (3) the evaluation and re-evaluation of students with disabilities who are subject to discipline and/or placed in a virtual learning environment.

REPORTING REQUIREMENT:

Within one hundred (100) calendar days of signing this Agreement, the District will provide OCR documentation demonstrating it has completed the training described in Section II of this Agreement. The documentation must identify and include: (1) the name, title, and qualifications of the individual who conducted the training; (2) the date(s) and location(s) of the training; (3) the topics addressed at the training; (4) a copy of any materials distributed at the training; and (5) a sign-in sheet with the name and title of the individuals who participated in the training.

GENERAL REQUIREMENTS

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements set forth in this Agreement. Further, the District understands that during the monitoring of this 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 Agreement and is in compliance with the regulations implementing Section 504 and Title II which were at issue in this case. Such requests for visits or additional data will be made through the District legal counsel.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II 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 Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this 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)
Independence #30 School District

Date