

302 Resolution Agreement
Mason City School District
OCR Docket #15-14-1290

The Mason City School District (the District) voluntarily submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of ensuring 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, and to resolve the above-reference complaint. This Agreement has been entered into voluntarily and does not constitute a finding or an admission that the District is not in compliance with Section 504 or Title II and their implementing regulations. The District agrees to take the following actions:

ACTION STEPS

I. Individual Remedies

- A. By xxxxx the District will convene a group of persons knowledgeable about the Student, the evaluation data, and the placement options to commence xxxxx in this complaint xxxxx to determine: (1) whether xxxxx student has a disability or disabilities using the appropriate standard for Section 504 and Title II, and considering all relevant information including xxxxx; and (2) if so, what the xxxxx need in order to receive a free appropriate public education (FAPE), i.e., the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the Student as adequately as the needs of persons without disabilities are met and that are based upon adherence to procedures that satisfy the educational setting, evaluation and placement requirements of the Section 504 regulation at 34 C.F.R. §§ 104.34-104.35.
- B. By xxxxx, if the District determines that xxxxx is eligible for regular or special education and related aids and services, the team, including the xxxxx parent(s) will determine whether compensatory education services or other remedial services are necessary for the spring semester of the xxxxx-xxxxx school year and the time xxxxx during the xxxxx-xxxxx semester. If the District determines that compensatory education or other services are necessary, the District will draft a written plan for the provision of the compensatory education services, which will identify the nature and amount of services to be provided and will become part of that xxxxx Section 504 plan or other special education plan. The District will then provide the compensatory education services to the xxxxx at no cost to the xxxxx parent
- C. The District will provide the xxxxx parents with a meaningful opportunity to provide input into the determinations made pursuant to items I.A and B , notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree. To ensure such meaningful opportunity is provided, the District will invite the xxxxx parent to participate in the

above-described process, providing the parent with at least three possible dates for the meeting(s), offer the alternative of providing input by phone or in writing in lieu of the attending the meeting(s), and provide the parent a set date by which the parent must respond to the District's request for the meeting(s). Should the parent fail to respond by that date, or refuse to participate, the District must conduct the meeting(s) within one week and will notify the parent of the outcome within three days of the meeting.

- D. if xxxxx is found eligible for regular or special education and related aids and services, the District will:
1. determine how any xxxxx from xxxxx through xxxxx period, and how the District can appropriately redress the impacted grades. For any xxxxx from xxxxx through xxxxx period that resulted from failure to xxxxx, the District will assess whether those xxxxx that resulted in the District xxxxx. If the District finds that xxxxx during these time periods, xxxxx. If the District finds that xxxxx these time periods because the District told xxxxx.

REPORTING REQUIREMENTS: Within two weeks of the decisions as to the 504 eligibility and whether compensatory and/or remedial services that are needed, the District will submit to OCR documents supporting the group's decisions. District will provide OCR with documentation verifying its implementation of Action Steps A-D above, with the exception of the provision of compensatory services. The documentation will include all documents considered and produced at or regarding the team meeting(s), showing the date(s) the team met, the participants by name and title, copies of any evaluation report or summary created, documentation reflecting the determination made concerning the Student's eligibility and the bases for that determination, the Section 504 plan or other special education plan developed, and documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them. Documentation will also include determinations made concerning the provision of compensatory services agreed upon and, if applicable, the plan for the provision of the compensatory services, as well as the notice issued to the Student's parent of the determinations made at the team meeting and the procedural safeguards. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

By March 20, 2015 the District will provide OCR with documentation verifying its provision of compensatory education services determined pursuant to Action Step B above. If applicable, documentation will also include, for xxxxx, verification that the District considered xxxxx, documentation justifying whether or not xxxxx, and evidence of any xxxxx deemed necessary.

II. School-wide Remedies

- A. By xxxxx the District will issue a memo to all relevant staff that deal with chronic illness waivers, including nurses, building and district administrators, and guidance counselors, reminding them that chronic illnesses may qualify a student for a Section 504 plan and explaining the attendance policy process for referring a student for potential 504 issues.
- B. By xxxxx, the District will revise its Section 504 policies and procedures, including any corresponding forms, to comply with Section 504 and Title II for OCR's review and approval.
- C. By xxxxx the District will revise its attendance policies to include a provision stating that multiple requests for xxxxx will trigger a review to determine whether that student should be referred for a Section 504 evaluation.
- D. By xxxxx the District will revise its xxxxx to inform parents that a xxxxx may qualify a student for services under Section 504 and include contact information for the Section 504 coordinator.

REPORTING REQUIREMENT: By xxxxx, the District will submit to OCR a copy of the memo provided to staff pursuant to Item II. A. and a copy of the draft revised policies, procedures, and forms for review.

- E. Within 45 days of OCR's approval of the revised Section 504 policies and procedures, the District will adopt them; inform staff, parents and students where they can be found; post them to its website in an accessible location; and provide training to staff involved with the identification and placement of students with disabilities regarding the new policies and procedures and the requirements of Section 504 and Title II. Training should make specific mention of the importance of appropriately evaluating and placing students with medical or physical disabilities.

REPORTING REQUIREMENT: Within 45 days of OCR's approval of the revised Section 504 policies and procedures, attendance procedures and forms, the District will submit to OCR documentation of its compliance with paragraph II. D., including copies of correspondence to staff, students, and parents; a link to the District's website where the policies and procedures are posted; a copy of all training materials; and a list of all staff members trained, including name, building, and title.

GENERAL REQUIREMENTS

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement 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, 104.33, and 104.34 and Title II and its implementing regulation at 28 C.F.R. § 35.130, which were at issue in this case.

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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.33, and 104.34 and Title II and its implementing regulation at 28 C.F.R. § 35.130.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

1/27/15

SUPERINTENDANT OR DESIGNEE

DATE