

**Resolution Agreement  
White Cloud Public Schools  
OCR Docket #15-15-1044**

The White Cloud Public Schools (the District) agrees to resolve the allegations of discrimination on the basis of disability and retaliation contained in complaint number #15-15-1044 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of 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. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

**A. INDIVIDUAL REMEDY**

1. Within five days of the signing of this agreement, the District will send the Student's parent a certified letter notifying the parent that, should she wish to xxxxx, the District will reconvene the Student's Section 504 team (Team) – consisting of persons knowledgeable about the Student, including the parent – to determine whether additional evaluations are necessary to determine the nature of the Student's disabilities and the services necessary to meet the individual needs of the Student to ensure a Free Appropriate Public Education (FAPE). The letter will further state that the Team will determine whether any compensatory education is necessary during the time period of xxxxx.

The District's letter will advise the Student's parent of the right to have a meaningful opportunity to provide input into these determinations and will include procedural safeguards.

The letter should note that while the Student xxxxx and seek an evaluation at the District at any point in the future, the Student's parent must xxxxx within 60 days of the date of the letter in order to access the possibility of compensatory education as described above.

2. If the Student's parent xxxxx within 60 days of the District's certified letter sent pursuant to paragraph A.1 above the District will, within three (3) calendar days of the xxxxx, provide the Student's parent notice of at least three (3) proposed dates to reconvene a Section 504 meeting and the opportunity to participate, or otherwise provide meaningful input into the evaluation process for the Student. The notice will be accompanied by the relevant forms necessary, if any, to be completed by the Student's parent(s) to begin the evaluation process and will explain to whom the forms should be returned.
3. The District will convene a Section 504 meeting within 10 days of the xxxxx to initiate the evaluation and placement process, which will include a determination of the additional evaluations that are necessary to assess: (a) the nature of the Student's

disabilities, and (b) services needed in order to ensure the provision of FAPE. The Team must specifically consider the Student’s xxxxx needs as well as any other areas of need. The Team will document in writing, each area to be evaluated and the type of evaluation to be used, and will provide this information to the Student’s parent at the conclusion of the meeting.

4. Within two weeks of the date of the evaluations conducted pursuant to paragraph A.3 above, the Team, including the parent, will convene to review the results of the evaluations. During the meeting, the Team will determine:
  - a. the regular and/or special education and/or related aids and services necessary in order to ensure that the Student has access to the educational program and is not denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under any program or activity because of her xxxxx. This determination should specifically include:
    - i. xxxxx;
    - ii. xxxxx; and
    - iii. xxxxx.
  - b. any compensatory education and/or remedial services the Student requires from xxxxx occurs within the required 60 days identified in paragraph A.I, above.

The team will also develop a plan (Section 504 plan) for implementing the Student’s education program and a written plan and schedule for providing the Student with the compensatory education or other remedial services deemed necessary. The plan will identify the nature and amount of the services to be provided at no cost to the Student’s parents, by whom, and when, and will provide the Student’s parent with notice of the procedural safeguards including the right to challenge the Team’s determination through an impartial due process hearing.

5. The District will provide the Student’s parent a copy of the Section 504 Plan and the written compensatory/remedial plan/schedule developed at the meeting held pursuant to Paragraph A.4 or, if not completed at that time, within one week of such meeting.

**REPORTING REQUIREMENT:** By xxxxx, if the Student's parent xxxxx within 60 days of the District's letter sent pursuant to paragraph A.1, the District will submit to documentation showing implementation of paragraphs A.1-A.5 above. The District will submit to OCR a copy of the letter sent to the Student’s parent and documents supporting the Team’s decisions. The documentation submitted shall include a copy of the Section 504 plan, communication with the parent, documentation showing the participants in the above meetings, an explanation for decisions made, the information considered, and a

description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will 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 xxxxx, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

Alternatively, if the Student's parent xxxxx within 60 days of the District's certified letter sent pursuant to Paragraph A.1 above, the District will provide OCR with a statement to that effect and with a copy of the certified letter by xxxxx.<sup>1</sup>

**B. DISTRICT-WIDE REMEDIES**

1. By xxxxx, the District should inform in writing all special education staff and all other staff with any responsibility for writing and implementing Section 504 plans that the District may not make any student's plan: xxxxx.
2. By xxxxx, the District will revise its Section 504 policies and procedures, including its grievance procedures and procedural safeguards for OCR's review and approval. The policies and procedures should be revised to comply with Section 504 and Title II. In addition, please ensure these policies and procedures provide the following updated contact information for OCR:

U.S. Department of Education  
Office for Civil Rights  
1350 Euclid Ave., Suite 325  
Cleveland, Ohio 44115  
P: 216-522-4970  
OCR.Cleveland@ed.gov

**REPORTING REQUIREMENT:** By xxxxx, the District will submit to OCR the written communication to staff described in paragraph B.1, as well as its draft revised policies and procedures for review.

3. 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.

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<sup>1</sup> xxxxx.

**REPORTING REQUIREMENT:** Within 45 days of OCR’s approval of the revised Section 504 policies and procedures, the District will submit to OCR documentation of its compliance with paragraph B.2, including copies of correspondence 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 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 at 34 C.F.R. §§ 104.4, 104.33, 104.35, 104.36, and the regulations implementing Title II at 28 C.F.R. § 35.134. 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 of this agreement. 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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.33, 104.35, 104.36, and the regulations implementing Title II at 28 C.F.R. § 35.134, which were at issue in this complaint.

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.

This Agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Section 504 or Title II or their implementing regulations.

/s/

4/28/2015

\_\_\_\_\_  
Superintendent or designee

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Date