

**Kalamazoo Public School District  
Resolution Agreement  
OCR Docket #15-22-1148**

Kalamazoo Public School District (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and 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 (Section 504), 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 (Title II). This Agreement is being voluntarily submitted by the District before the completion of OCR's investigation and issuance of findings and does not constitute an admission that the District violated Section 504 and Title II.

The District agrees to take the following actions:

1. Within 30 calendar days of signing this Agreement, the District will convene a meeting of the Student's Section 504 team to develop a revised Section 504 plan for the Student, according to the requirements of Section 504's implementing regulation at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36. All decisions regarding any modifications or amendments to the Student's Section 504 plan will be made by a group of persons knowledgeable about the Student, including the Student's parent(s), the meaning of the evaluation data, and the placement options. If the Student's parent(s) are unable to attend the Section 504 meeting, the District will provide them with a meaningful opportunity to provide input into the Section 504 team decisions.

The revised Section 504 plan will, at a minimum:

- a. identify the individual needs of the Student and the related aids and services designed to meet those needs that will be provided by the District to the Student and/or performed by the Student with supervision by District personnel;
  - b. identify by position the staff who will be responsible for providing the related aids and services, and any training necessary for those staff;
  - c. include all of the Student's related aids and services consistently in one document and not reference a separate health plan unless such plan is clearly identified as, and understood to be, a part of the Section 504 plan;
  - d. ensure that the Section 504 plan is specific and clear enough to be readily understandable by personnel who will implement it; and
  - e. ensure the Section 504 plan provides for the Student to be in the most integrated setting appropriate to her needs throughout the school day.
2. The team will also determine whether the Student requires any compensatory education and/or other remedial services for any denial of a free appropriate public education (FAPE) that occurred at any time when the Student's Section 504 plan was not fully implemented during the [redacted] school year. If the team determines that the Student

requires compensatory education and/or remedial services, it will develop a written plan for providing the Student with such education and/or services determined by the team as appropriate. The plan must identify the nature and amount of services to be provided at no cost to the Student's parent(s), by whom the services will be provided, the timeframe in which the services will be provided, and the location of the services. This plan will be included with the Student's revised Section 504 plan.

3. The District will provide the Student's parent(s) with notice of the determinations made pursuant to Items 1 and 2 above, as well as the procedural safeguards afforded them under Section 504, including their right to challenge the District's determinations about the Student's Section 504 plan and compensatory education and/or remedial services through requesting an impartial due process hearing in accordance with the Section 504 implementing regulation at 34 C.F.R. § 104.36.
4. The District will ensure that any staff who need to know about the Student's Section 504 plan, in order to assure its implementation and appropriate provision of related services, are notified of the plan, understand its contents, understand that implementing the plan is a District responsibility, and understand their roles in its implementation.
5. The District will not require the Student's parent to supervise or provide [redacted] for the Student while the Student is at school or at District school events.
6. Within 30 calendar days of the Student's Section 504 meeting, the District will show that it has provided training, by competent authorities, on the Student's [redacted], and the implementation of her revised Section 504 plan, including information about the requirements of Section 504, to all staff who will be working with the Student or need to know about the plan in order to assure its implementation and the Student's safety. In addition, training related to the administration of medication or implementation of medical procedures will be required for individuals identified in the Section 504 plan as responsible for these provisions of the plan.

### **Reporting Requirements:**

- Within 60 calendar days of signing this Agreement, the District will submit to OCR, documentation showing that the District implemented Items 1 through 6 above, including (i) documentation showing when the team met, who was present, what was discussed, the team's determinations and the bases for such determinations; (ii) copies of any meeting minutes; (iii) a copy of any plan(s) developed for the Student; (iv) documentation of any input provided by or on behalf of the Student and/or her parents; (v) any other documentation relevant to the determinations reached in accordance with Items 1 and 2; (vi) a written notification sent to the Student's parents pursuant to Item 3, and any response from the Student's parents; (vii) documentation showing that a copy of the Student's amended Section 504 plan and any other related plan(s) were provided to her teachers and/or any District staff who may have a role in the implementation of the Student's plan(s); and (viii) documentation related to the District's training provided pursuant to Item 6, including the date(s) of the training, copies of the training agenda, any presentation(s) and handout materials used for the

- training, the name(s) and qualifications of the trainer(s), a list of the name and job positions of attendees at the training, and a sign-in sheet with the names and job positions of attendees at the training. Should the District determine that no compensatory education and/or remedial services are necessary, the District will provide a written explanation of the reasons for its determination, along with any supporting documentation. OCR will review the documentation submitted 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 its determinations.
- Within 240 calendar days of signing this Agreement, the District will submit documentation to OCR verifying it provided any compensatory education or other remedial services the team determined to be necessary to the Student.
7. Within 30 calendar days of signing this Agreement, the District will submit to OCR for review and approval its Section 504/Title II grievance procedure that conforms to requirements of the Section 504's implementing regulation at 34 C.F.R. § 104.7(b) and Title II's implementing regulation at 28 C.F.R. § 35.107(b). The District's grievance procedure must incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 and/or Title II. At a minimum, the grievance procedure will:
    - a. include notice to students and employees of the procedure for filing a complaint, including how, where, and with whom complaints may be filed;
    - b. provide for the adequate, reliable, and impartial investigation of complaints, including the opportunity to identify witnesses and other evidence;
    - c. contain designated and reasonably prompt timeframes for the various stages of the complaint process;
    - d. provide notice to the parties of the outcome of the complaint; and
    - e. contain assurance that steps will be taken to prevent recurrence of discrimination or harassment if it is found to have occurred and to correct its effects on the complainant and others if appropriate.
  8. Within 15 calendar days of OCR's approval of the aforementioned Section 504/Title II grievance procedure, the District will adopt and implement the approved procedure by notifying students, parents, teachers, staff, and administrators of the procedure and where copies may be obtained and by posting the approved procedure on the District's website.
  9. Within 60 calendar days of OCR's approval of the aforementioned Section 504/Title II grievance procedure, the District will provide training to all staff members involved in the District's Section 504 and Title II disability-related services and grievance procedures regarding its approved Section 504/Title II grievance procedure.

**Reporting Requirements:** Within 30 calendar days of signing this Agreement, the District will provide OCR with its Section 504/Title II grievance procedure for review and approval to show its implementation of Item 7. Within 30 calendar days of the approval from OCR, the District will submit to OCR documentation showing its implementation of Item 8. The documentation should include copies of any electronic or written notice to students, parents, teachers, staff and administrators, as well as a description of how the notices were disseminated and the web link to where the procedure is posted on the District’s website. Within 60 calendar days of the approval from OCR, the District will provide OCR with documentation showing that the District implemented Item 9, including: (i) the date(s) of the training(s); (ii) a copy of the training agenda(s); (iii) copies of training materials used; (iv) the name of the person(s) who provided the training(s); and (v) a record showing the names and job titles of all persons who received the training(s).

### **General Requirements**

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and its implementing regulation, 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104 and Title II and its implementing regulation at 28 C.F.R. Part 35 which were at issue in this complaint.

The Agreement will become effective immediately upon the signature of the District’s representative below.

/s/

Nov 10, 2022

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Superintendent or Designee

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Date