

**RESOLUTION AGREEMENT
SMITHTON R-VI SCHOOL DISTRICT
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07131123**

The Smithton R-VI School District (District), Smithton, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegation against the District in OCR Docket Number 07131123, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35. The District submits this Agreement to resolve OCR's investigation of the allegation contained within OCR Docket No. 07131123, pursuant to Section 302 of OCR's *Case Processing Manual*.

Because the District submitted, and OCR accepted the Agreement prior to the conclusion of OCR's investigation, OCR has made no findings of fact or law and has not issued a final determination with respect to the allegation in the complaint.

The District voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement is not intended to constitute, nor shall it be deemed to constitute, an admission by the District of any violation of Section 504 or Title II, or any other law or regulation pertaining to the allegation contained within OCR Docket No. 07131123.

This Agreement shall become effective upon the District's receipt of a letter from OCR advising the District of OCR's acceptance of, and acknowledgment that this Agreement resolves the allegation raised in this complaint.

OCR agrees to discontinue its investigation of OCR Docket Number 07131123 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation 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 (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.

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, 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 of this Agreement and the steps and measures required by this Agreement comply with the regulations implementing Section 504 and Title II.¹

The District understands that OCR will close the monitoring of this Agreement when the District has fulfilled the terms of this Agreement and the steps and measures required by this Agreement comply with the regulations implementing Section 504 and Title II.

II. RESOLUTION PROVISIONS

A. NOTICE OF NONDISCRIMINATION

1. By July 30, 2015, the District will revise and adopt its notice of nondiscrimination in accordance with the implementing regulations of Section 504, Title II, the Age Discrimination Act of 1975 (Age Act), and Title IX of the Education Amendments Act of 1972 (Title IX). The revised notice of nondiscrimination must include the name or title, address, and telephone number of the District employee(s) designated to coordinate the District's efforts to comply with Section 504, Title II, the Age Act, and Title IX. The District's notice of nondiscrimination shall also include a statement indicating individuals who wish to file a complaint with OCR may contact OCR at U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106; Telephone: (816) 268-0550; Fax: (816) 268-0599; TTY: (877) 521-2172; Email: OCR.KansasCity@ed.gov.

REPORTING REQUIREMENT: By March 30, 2015, the District shall provide OCR with a copy of a draft of the revised notice of nondiscrimination for review and approval prior to its adoption, dissemination and publication.²

¹ Prior to conducting any site visit to determine compliance with this Agreement, OCR will notify the District of the proposed site visit and make a good faith effort to schedule the site visit at a mutually convenient time.

² Sample language for the notice of nondiscrimination may be found at:

<http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

The District may also refer to OCR's April 4, 2011 Dear Colleague Letter (page 6, pertaining to notices of nondiscrimination) at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-200104.html>.

Within 30 days of receiving OCR's approval of the revised notice of nondiscrimination, the District will provide OCR with documentation demonstrating the notice is prominently displayed on the District's website.

2. After receiving approval of the revised notice of nondiscrimination from OCR, the District will publish its revised notice of nondiscrimination in publications containing general information about the District, including but not limited to, the following publications: student and employee handbooks, newsletters, announcements, bulletins, catalogs, application forms and other documents that it makes available to students, employees, and other interested persons.

REPORTING REQUIREMENT: By August 31, 2015, the District will submit to OCR documentation showing completion of the activities described in item II.A.

B. COMPLAINT AND/OR GRIEVANCE PROCEDURE

1. By June 30, 2015, the District will review and, if necessary, revise its complaint and/or grievance procedure or develop a new complaint and/or grievance procedure to provide for the prompt investigation, and, where appropriate, equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age. The revised grievance procedure, if necessary, should include at a minimum the following:
 - a) a statement that the grievance procedure is applicable to complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age;
 - b) notice to students, employees and others of the process for filing a grievance, including who to contact (title, address, and telephone number of the contact individual should be included) and how to initiate a grievance;
 - c) a requirement that all complaints will be promptly, thoroughly, and impartially investigated and decided within reasonable designated time frames at each stage of the grievance process;
 - d) provisions for maintaining the confidentiality of the person who files a complaint;
 - e) written notice to the grievant of the disposition of the grievance at each stage of the process;

- f) a fair and equitable appeal process;
- g) notice that retaliation against a person who files a complaint of discrimination, or persons who participate in related proceedings is prohibited;
- h) assurance that if discrimination has occurred, appropriate corrective and remedial actions will be taken; and
- i) a provision that notifies individuals they may file complaints with OCR. The provision should include the following contact information: U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut, Suite 320, Kansas City, Missouri 64106; telephone: (816) 268-0550; facsimile: (816) 268-0599; or email: OCR.KansasCity@ed.gov.

REPORTING REQUIREMENT: By July 30, 2015, the District shall provide OCR with a copy of a draft of the revised complaint and/or grievance procedure for review and approval prior to its adoption, dissemination and publication.

Within 60 days of receiving OCR's approval of the revised complaint and/or grievance procedure, the District will provide OCR with documentation demonstrating the complaint and/or grievance procedure is prominently displayed on the District's website.

2. After receiving approval of any revised complaint and/or grievance procedure to provide for the prompt and equitable resolution of complaints alleging discrimination, harassment, and retaliation on the bases of race, color, national origin, disability, sex, and age, required under item II.B. from OCR, the District will disseminate its revised complaint and/or grievance procedure to all students, parents, employees, and others by prominently including a notification on where to access and/or obtain a copy of the approved complaint and/or grievance procedure in the District's student handbook(s) and employee handbook(s) (if any).

REPORTING REQUIREMENT: By October 15, 2015, the District will submit to OCR documentation showing completion of the activities described in item II.B.

C. IMPARTIAL HEARING FILING PERIOD AND COMMUNICATION OF INFORMATION REGARDING THE SECTION 504 PROCEDURES MANUAL AND FORMS

1. By April 30, 2015, the District will revise the regulation regarding the initiation of a Section 504 impartial hearing (currently Regulation 2110) to allow 90 days

(currently 15 days) from the date the party knew or should have known of the issue prompting the request for an impartial hearing. The regulation shall further provide that determinations as to the timeliness of a request for a Section 504 impartial hearing shall be made solely by the impartial hearing officer, who shall have the discretion to grant a waiver of the filing deadline upon a showing of good cause by the requesting party.

REPORTING REQUIREMENT: By May 15, 2015, the District will provide OCR a copy of the District's revised regulation governing the initiation of a Section 504 impartial hearing.

2. By May 30, 2015, the District will provide a copy of the Staff Section 504 Referral Form (Form C) to all District staff who educate, serve, or supervise students with disabilities. The District may provide the form in whatever medium it deems appropriate, but must also include a summary of said staff members' obligation to refer a student for Section 504 evaluation when the student needs or is believed to need special education or related services and must provide the contact information for the Section 504 coordinator.

REPORTING REQUIREMENT: By June 30, 2015, the District will provide OCR documentation showing it has distributed Form C and the summary and contact information outlined in item II.C.2 to all District staff members.

3. By August 31, 2015, the District will also ensure information about the location of the District's Section 504 procedures is available to all students, parents, employees, and others by prominently including notification about accessing District Section 504 forms and paperwork in the District's student handbook(s) and employee handbook(s) (if any) or on the District's website. The District may meet this requirement either by including aforementioned notification in the aforementioned materials and publications for the 2015-16 school year or by revising electronic publications on the District's website.

REPORTING REQUIREMENT: By September 30, 2015, the District will provide OCR documentation showing the notification regarding the location of the District Section 504 forms and paperwork is available in the District's student handbook(s) and employee handbook(s) (if any) or on the District's website.

D. TRAINING

By August 31, 2015, and annually thereafter, the District will provide training on the subject of Section 504 and Title II compliance to District officials and staff, including but not limited to, administrators or officials, teachers,

paraprofessionals, counselors, process coordinators, nurses and any other individuals who may be involved in the identification, evaluation, and accommodation of students suspected of having disabilities. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II. The District's training will include the following topics:

- a) Information regarding the District's revised notice of nondiscrimination and grievance procedures.
- b) The District's requirement, pursuant to the Section 504 regulation at 34 C.F.R. § 104.33(a) to provide a free appropriate public education (FAPE) to all qualified students with a disability in its jurisdiction and that the provision of a FAPE is the provision of regular or special education and related aids and services that: (i) are designed to meet individual educational needs of disabled students as adequately as the needs of nondisabled students are met; and (ii) are based upon adherence to procedures that satisfy the requirements of 34 C.F.R. §§ 104.34, 104.35, and 104.36.

REPORTING REQUIREMENT: By September 30, 2015, the District will provide OCR documentation showing it has completed the training described above for the 2014-15 school year. The documentation must identify: (a) the date, time and location of the training; (b) the topics addressed at the training(s) (the District may provide OCR an outline of the training and a copy of the materials disseminated at the training); (c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and (d) the name, title, and work location of each District administrator or employee who attended the training (a sign-in sheet with the attendees' names, titles, and work locations is sufficient). OCR is available to provide technical assistance and training to the District upon the District's request.

For any subsequent Section 504/Title II trainings, the District need not provide evidence to OCR that it has provided the annual training contemplated pursuant to this Agreement.

Diedrick Kahrs, Superintendent
Smithton R-VI School District
Smithton, Missouri

Date