

## RESOLUTION AGREEMENT

Docket Number 07131190  
Manhattan-Ogden USD #383

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of the Manhattan-Ogden Unified School District #383 (District), Manhattan, Kansas, pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100; 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, and the implementing regulations at 28 C.F.R. Part 35 which prohibit discrimination on the bases of race and disability by recipients of Federal financial assistance (FFA) and public entities. The District, as a recipient of FFA and a public entity, is subject to the requirements of Title VI, Section 504 and Title II.

The complainant alleged the District discriminated against her son on the bases of his race (XXXXX) and disability (XXXXX) when a District staff member cut his hair citing his hair was a distraction to his learning. Regarding the individual complaint allegation, OCR determined there was insufficient evidence to conclude that District discriminated against the complainant's son on the basis of race or disability as alleged.

The District agreed to take the following actions to resolve compliance concerns identified by OCR during the course of its investigation:

### Notice of Nondiscrimination

1. The District will ensure it has met the identification, notification and publication requirements set forth in the OCR publication, *Notice of Non-Discrimination* (August 2010). The publication is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>. The notice of nondiscrimination must include the name or title, address, and telephone number of the District employee(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI, Section 504 and Title II. The notice will also state that the District provides equal access to the Boy Scouts<sup>1</sup> and other designated youth groups.

If more than one person is designated to coordinate compliance under these laws, the District shall specify which coordinator is responsible for each law. The individual(s) identified to coordinate compliance with the laws shall be knowledgeable of the law(s) for which s/he is responsible. The District will ensure the designated individual(s) are correctly identified in its notice of nondiscrimination and other

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<sup>1</sup> See, Boy Scouts of America Equal Access Act, 20 USC 7905, 34 C.F.R. Part 108.

major publications (such as employee and/or student handbooks). OCR is available to provide technical assistance to the District upon request.

**REPORTING REQUIREMENT:** By April 1, 2014, the District will provide OCR with a revised version of its combined notice of nondiscrimination, which meets the requirements set forth in this Agreement for OCR’s review and approval.

2. Upon receiving approval from OCR of its revised notice of nondiscrimination, the District will publish and prominently display its revised combined notice of nondiscrimination in an easily visible location, in student and employee hard-copy and online publications, including, but not limited to, the following publications: a) student and employee handbooks; b) employee application forms; c) appropriate policies and grievance procedures; and d) any other major general publications, including the District’s website, if applicable.

**REPORTING REQUIREMENT:** Within 30 calendar days of receiving approval of its revised notice of nondiscrimination from OCR, the District will provide OCR with copies or links to the information (if it is available on the District’s website) of the major publications identified above evidencing its dissemination and publication of the OCR approved notice of nondiscrimination.

### Grievance Procedure

3. The District will review and revise its grievance procedure for complaints alleging disability or race, color or national origin discrimination or harassment to ensure the procedure meets the requirements set forth below.<sup>2</sup> The grievance procedure for complaints alleging disability discrimination or harassment shall be accessible to students, employees, and other affected parties.<sup>3</sup> The grievance procedure will include, at a minimum:
  - (a) an explanation of how to file a complaint under the procedures, including where and in what manner complaints can be filed;

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<sup>2</sup> The grievance procedure for complainants alleging disability or race discrimination or harassment may be included in a combined procedure and need not be a stand-alone procedure. The procedure developed by the District may also be used to address complaints alleging sex or age complaints. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.* and its implementing regulations at 34 C.F.R. Part 106; and the Age Discrimination Act of 1975 (Age Act), 42 U.S.C. § 6103, and its implementing regulations at 34 C.F.R. Part 110, may impose additional requirements for a recipient’s grievance procedures beyond those items required under this Agreement. OCR is available to provide technical assistance to the District regarding these requirements upon request.

<sup>3</sup> In the event that the District develops a separate grievance procedure for employees, those procedures shall also meet the requirements of Title VI, Section 504, and Title II, as set forth in this Agreement.

- (b) provisions for the adequate, reliable, and impartial investigation of complaints, including the opportunity for all parties involved to present witnesses and other evidence;
- (c) set time frames for major stages of the complaint process;
- (d) a requirement that written notification will be given to the parties of the outcome of the complaint investigation;
- (e) an assurance that the District will keep the complaint, name of the complainant, and investigation confidential to the extent possible;
- (f) a provision prohibiting retaliation against an individual who files a grievance and/or participate in a grievance; and
- (g) an assurance that the District will take steps reasonably calculated to prevent the recurrence of discrimination, with examples of the range of possible disciplinary sanctions, and to remedy the discriminatory effects of discrimination of which it has notice, with examples of the types of remedies available to victims.

**REPORTING REQUIREMENT:** By April 1, 2014, the District will submit to OCR a copy of the draft grievance procedure for review and approval.

4. Within 30 calendar days of receiving OCR's approval of the District's grievance procedure for students required by item 3 of the Agreement, the District will disseminate the approved procedure using its standard methods for disseminating new information and procedures that impact the District's student population (such as including the information on the District's website and in student handbooks).

**REPORTING REQUIREMENT:** Within 30 calendar days after taking action to appropriately publish and disseminate the grievance procedure developed pursuant to item 3 of the Agreement, the District will provide OCR with links to the information, if available in electronic format, or copies of publications including the approved procedure demonstrating the completion of this item.

## **Training**

5. By November 1, 2014, and annually thereafter, the District will provide unlawful discrimination and harassment training (e.g., discrimination on the bases of race and disability) and grievance procedure training to all administrators, teachers and staff, including individuals responsible for enforcing the District's grievance procedure, and

designated contact persons under the grievance procedure.<sup>4</sup> The training must include, at a minimum:

- a. a review of the District’s grievance procedure;
- b. the types of complaints covered by the grievance procedure;
- c. examples of unlawful discrimination and harassment based on race or disability;
- d. information about how to file a complaint under the grievance procedure or refer a student to the appropriate compliance coordinator; and
- e. the District’s process for investigating and resolving complaints, including the set time frames for major stages of the complaint process.

**REPORTING REQUIREMENT:** Within 30 calendar days of completing the training described in item 5 of this Agreement, the District will provide OCR with documentation confirming the completion of this item. The documentation must identify the following: 1) the date, time and location of the training; 2) the topics addressed at the training (the District may provide OCR an outline of the training and a copy of the materials disseminated at the training); 3) the name(s), title(s), and credentials of the individual(s) who conducted the training; and 4) the name and title of each District administrator or employee who attended the training (a sign-in sheet with the attendees’ names and titles is sufficient). The District need not provide OCR documentation of subsequent annual training unless OCR requests such documentation.

6. The District will provide training to the Title VI and Section 504/Title II coordinators regarding their specific responsibilities under Title VI, Section 504 and Title II.

**REPORTING REQUIREMENT:** By June 30, 2014, the District will provide OCR documentation showing the Title VI and Section 504/Title II coordinators have received appropriate training regarding their responsibilities under Title VI, Section 504 and Title II, and the District’s internal policies and procedures related to Title VI, Section 504 and Title II. The documentation must identify the following: 1) the date, time and location of the training(s); 2) 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); 3) the name(s), title(s), and the credentials of the individual(s) who conducted the training(s), if available.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, Section 504 and Title II, which were at issue in this case.

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<sup>4</sup> The training may be completed in-person or electronically.

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 is in compliance with the regulations implementing Title VI at 34 C.F.R. Part 100, Section 504 at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35, 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 (34 C.F.R. §§ 100.9 and 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of 60 (sixty) calendar days to cure the alleged breach.

/s/Robert Shannon  
Robert Shannon, Superintendent  
Manhattan-Ogden U.S.D. #383 School District

1/2/14  
Date