

Resolution Agreement
Park Hill School District
Docket # 07151245

The Park Hill School District (District), Kansas City, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegations of discrimination based on disability against the District in this complaint, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) Section 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. 12131, and the implementing regulations of these federal laws. Accordingly, to resolve issues identified by OCR during the course of its investigation of this complaint, the District voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves issues identified by OCR during the course of its investigation in OCR Docket No. 07151245 and does not constitute an admission by the District of any violation of the statutes and regulations OCR enforces.

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 regulation implementing Section 504 at 34 C.F.R. § 104.3(j) and (l)(2), § 104.33, and § 104.35 and the regulation implementing Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

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 regulation implementing Section 504 at 34 C.F.R. § 104.3(j) and (l)(2), § 104.33, and § 104.35 and the regulation implementing Title II at 28 C.F.R. § 35.130(a), 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, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

II. RESOLUTION PROVISIONS

1. By February 15, 2016, the District shall submit a procedure for OCR's review which will ensure students with a disability are educated with their typically-developing peers to the maximum extent appropriate to the needs of the students with disabilities, and will further ensure that elementary school Essential Skills Programs provide non-academic and extracurricular services and activities in such manner as is necessary to afford students with a disability an equal opportunity for participation in such services and activities (inclusion procedure).¹ The inclusion procedure will specifically ensure Essential Skills students with disabilities are included in all extracurricular and other activities to the maximum extent appropriate to the needs of the students, including the following areas:
 - a. End-Of-Year Awards Ceremonies; specifically, the District will ensure students in the Essential Skills Programs have the opportunity to participate in a single, grade-level End-Of-Year Awards Ceremonies.
 - b. Lunchroom Seating; specifically, the District will ensure students in the Essential Skills Programs are seated at lunchroom tables with typically-developing peers to the maximum extent appropriate to the needs of the students with disabilities, and to the extent such seating may be provided with appropriate accommodations and supports (consistent with each student's IEP, federal and state laws).
 - c. Elementary School Yearbooks; specifically, the District will ensure the District's annual yearbook layout and publication process includes individual photographs, in layouts highlighting general-education classrooms, of all students who receive services in such classrooms, including students with a disability in the Essential Skills Programs. If a third party is responsible for the yearbook's publication, the District will notify the third party of this requirement and will take reasonable steps to ensure that the third party's yearbook layout and publication process also meets the requirements in this paragraph.

REPORTING REQUIREMENT: By February 15, 2016, the District will submit its inclusion procedure to OCR for its review. OCR will review the procedure and determine whether it complies with Section 504 requirements and satisfies item 1 of this Agreement.

2. Within 60 calendar days of written notification from OCR that the District's inclusion procedure complies with Section 504 requirements and satisfies item 1

¹ See 34 C.F.R. § 104.37(a).

of this Agreement, the District will implement the procedure and disseminate the procedure to all elementary school certified staff.

REPORTING REQUIREMENT: By September 15, 2016, the District will provide OCR documentation showing it has complied with item 2 of this Agreement.

3. By August 28, 2016, the District will provide training for all elementary school administrators regarding the District’s inclusion procedure.

REPORTING REQUIREMENT: By September 15, 2016, the District will submit documentation to OCR that demonstrates completion of the training for all elementary school administrators regarding the District’s inclusion procedure. Such documentation should include the date(s) of the training session(s), an outline on the content of the training, the name, position, and credentials of the trainer(s), and an attendance sheet signed by the participants and providing their name, school, and work location, at the training session.

REPORTING REQUIREMENT: By September 15, 2016, the District will provide OCR documentation demonstrating implementation of the inclusion procedure, including identification by elementary school of: (1) the person responsible for the inclusion procedure implementation, (2) the actions taken to implement the inclusion procedure, (3) the students who received additional related services and a description on the services provided, (4) a description of the end-of-year award ceremonies demonstrating participation by students with a disability and (5) copies of the yearbook pages showing inclusion of students with a disability with their typically-developing peers.

/s/ Jeanette L. Cowherd
Dr. Jeanette Cowherd, Superintendent

1-14-2016
Date

By Authority of the Park Hill Board of Education

Board Action: 1-14-2016
/s/XXXXXX XXXXX
Board Secretary