

RESOLUTION AGREEMENT

Odessa R-VII School District
OCR Docket # 07161003

The Odessa R-VII School District (District), Odessa, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced discrimination complaint against the District and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 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.

The District is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.¹ The District agrees to take the following actions, but nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any allegation in this complaint:

I. GENERAL PROVISIONS

This Agreement resolves the allegation in OCR Docket No. 07161003 and does not constitute an admission by the District of any violation of Section 504, Title II, or any other law.

OCR agrees to discontinue its investigation of OCR Docket No. 07161003 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegations in this case and any other issues identified by OCR during the course of its investigation.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of the 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 the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case. OCR will consider the District to have fulfilled the terms of this Agreement and to be in compliance with the regulations implement Section 504 and Title II upon OCR's determination that the District has completed the Reporting requirements listed below.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10),

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

or judicial proceedings, including to enforce the 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) If the Student re-enrolls in the District, within ten (10) school days of the date that the Student re-enrolls, the District will convene a Section 504 meeting and develop an updated Section 504 plan. The District will ensure that it documents the development and implementation of the Section 504 plan appropriately in accordance with the procedural requirements of Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36. The individuals knowledgeable about the Student (team) will address the alleged denial of social skills classes in the consideration of the Student’s 504 plan and determine if specific compensatory education or services are needed. The team will also determine if the social skills classes are still appropriate and provide written notice to the Complainant of its determinations.
- 2) If the team determines that compensatory education or services are appropriate, the team will discuss and determine the type, frequency, duration, and location of appropriate compensatory services that will accommodate the Student’s schedule. Compensatory services will be provided at no cost to the parents and will not be scheduled during the Student’s school day or other educational and non-academic activities associated with his school. In addition, the provision of any tutoring or educational programs will be provided by qualified staff.
- 3) The District shall not be obligated to provide the compensatory classes if the parent declines those classes in writing or does not respond to the District’s written offer within two weeks of the date of the District’s offer. If the parent does not make the Student available at the scheduled date or time for a compensatory classes, that class will be considered waived by the parents for that day or time, unless the Complaint provides a good faith reason for the Student being unable to attend, including but not limited to illness, in which case the missed class will be rescheduled. Any scheduled compensatory class missed due to Student’s unavailability will be rescheduled at a mutually agreeable time. If more than three scheduled compensatory classes are missed due to Student’s unavailability based on illness, the District may require written confirmation of Student’s medical condition from Student’s physician before rescheduling the classes.
- 4) If necessary, the District will provide the Student transportation to and from the location of the compensatory classes.

REPORTING REQUIREMENT:

- a) Within twenty (20) school days of the date the Student re-enrolls in the District, the District will provide OCR with a copy of its documentation of the Student’s updated Section 504 plan and its determination regarding compensatory services for review and approval. The documentation submitted shall include documentation showing the participants in the meeting(s), an explanation for decisions made, the information considered, including information submitted by

the Complainants and the Student and a description of and schedule for providing any compensatory educational 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. The District will provide the Complainants a copy of their procedural safeguards to include instructions regarding the procedure for filing a request for an impartial hearing should the complainants disagree with the determination regarding compensatory education or services. When the District has provided all compensatory educational and/or remedial services determined necessary to ensure the Student receives a free, appropriate public education, 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).

- b) If the Student has not re-enrolled at the District by January 1, 2017, the District by January 16, 2017, will notify OCR that the Student has not re-enrolled.

/S/ Bob Brinkley

Bob Brinkley, Superintendent
Odessa R-VII School District
Odessa, Missouri

March 28, 2016

Date