

**RESOLUTION AGREEMENT**  
Stanley County Public Schools 57-1  
OCR Docket No. 07161061

The Stanley County Public Schools 57-1 (District), Fort Pierre, South Dakota, 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*.<sup>1</sup> Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. Nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any of the allegations in this complaint. The District agrees to take the following actions:

**SECTION 504 EVALUATION**

- 1) Within two weeks of the date of this Agreement the District will, after consultation with the complainant, set a time for a meeting to evaluate the appropriateness of a Section 504 plan for the Student pursuant to 34 C.F.R. § 104.35. The District will advise the complainant, in writing, of the date of the meeting, and give the complainant at least ten (10) calendar days to provide any information she would like the District to consider. The evaluation will be conducted within thirty (30) days of the date of this Agreement:
  - a) To determine whether the Student is a qualified student with a disability and, if so, to prepare an appropriate Section 504 plan reflecting the special education or related services necessary to ensure the Student receives a free appropriate public education (FAPE).
  - b) To consider whether the Student requires compensatory educational services for the period of time in the 2014-15 and 2015-16 school years during which the Student received no special education or related services pursuant to Section 504. If the Section 504 team determines compensatory educational and/or remedial services are required for the provision of a FAPE to the Student, the Section 504 team will identify the necessary compensatory services and develop a written plan or schedule for providing those services; notify all staff responsible for providing the compensatory education services of their responsibility in writing; provide the compensatory services according to the written plan or schedule; and document the provision of the compensatory educational services to the Student. If the Section 504 team determines no compensatory educational services are necessary for the provisions of a FAPE to the Student, the Section 504 team will identify the information considered in its decision and set forth the reasons for its decision in writing. The District will provide the complainant written notice of the

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

procedural safeguards including the right to challenge the group’s decision through an impartial due process hearing.

**REPORTING REQUIREMENT:** Within one week of the completion of the evaluation required by paragraphs 1.a and 1.b above, the District will submit to OCR documents supporting the team’s decisions regarding eligibility for special education or related services pursuant to Section 504 and compensatory education for review and approval. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered 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.

When the District has provided all compensatory educational and/or remedial services 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).

## **TRAINING**

- 2) By 9/15/16, the District will provide training on the subject of Section 504 and Title II compliance and the anti-discrimination, anti-harassment, and anti-retaliation requirements of those laws to District officials and staff, including but not limited to, administrators, teachers, substitute teachers, staff, paraprofessionals, counselors, and the designated Section 504/Title II compliance coordinator and investigator(s). The training will be conducted by an individual knowledgeable about the laws and issues pertaining to Section 504 and Title II compliance and the specific topics listed below. The training will include:
  - a) A discussion of compliance with Section 504 and Title II, including identification of potentially qualifying students, evaluations, placement decisions, provision of FAPE, and procedural safeguards.
  - b) A discussion and distribution to trainees of the District’s Section 504 and Title II policies, procedures and forms, including the District’s policies and procedures regarding the identification, evaluation and placement of students who have or are suspected of having a disability.
  - c) A discussion of the general anti-discrimination provisions of Section 504 and Title II, including the prohibition against denying a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service of the District and the integration mandates of Section 504 and Title II.

- d) A discussion and distribution to trainees of the District’s anti-discrimination and anti-retaliation policies and procedures pertaining to disability, including the District’s grievance procedures for complaints of discrimination.

**REPORTING REQUIREMENT:** Within thirty (30) days of completing the training required in Paragraph 2, the District will provide OCR documentation showing it has completed the training described above. The documentation must identify: (a) the date 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).

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 regulations implementing Section 504 and Title II, 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 regulations implementing Section 504 and Title II 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.

The person(s) signing for the District represents that he is authorized to bind the District and to this Agreement.

For the District:

\_\_\_\_\_/s/\_\_\_\_\_  
XXX XXXXXX  
Superintendent of the District

\_\_\_\_\_  
3/4/16  
Date