

**Resolution Agreement
School District of Waukesha
OCR Case No. 05-16-7082**

The School District of Waukesha (District) enters into this Resolution Agreement (Agreement), as set forth below, with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case #05-16-7082. The District submits this agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134 and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department of Education and public entities, respectively.

The District agrees to take the following actions:

NOTICE OF NONDISCRIMINATION

1. By April 13, 2018, the District will develop a Notice of Nondiscrimination that is compliant with Section 504 and Title II. The Notice must state that the District does not discriminate on the basis of disability in violation of Section 504 and Title II in admission, treatment or access to its programs or activities, or in employment in its programs or activities. The Notice must identify the employee(s) designated to coordinate the District's compliance with Section 504, including the name/title, address, and telephone number.
2. By April 13, 2018, the District will take steps necessary to notify students, employees, and other interested persons that the District does not discriminate on the basis of disability, and will take continuing steps to notify students and others that the District does not discriminate on the basis of disability in violation of the statute and regulation.

Reporting requirement: By April 30, 2018, the District will provide OCR with a copy of its Notice of Nondiscrimination, and submit to OCR documentation to demonstrate that it has appropriately notified students, employees, and interested persons that it does not discriminate on the basis of disability in violation of Section 504 and Title II.

POLICIES AND PROCEDURES

3. By April 13, 2018, the District will develop a written procedure for handling requests for reasonable modifications to policies, procedures and practices made pursuant to Title II to ensure the District conducts an appropriate analysis of all requests for reasonable modifications. This procedure should clearly identify the individual(s) responsible for handling such requests and address how District staff shall notify the individual(s) once a request is made. The procedure should clearly state that the District is required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modification would fundamentally alter the nature of the service, program or activity, or the District can demonstrate the modification would result in an undue administrative or financial burden. The policy must state that the District will make an individualized determination for each request made for a reasonable modification to a

District policy, practice, or procedure. Whether the modification request would fundamentally alter the nature of the service, program, or activity, must be dependent on whether the modification alters an essential aspect of the activity or program. If the District determines that a specific modification would fundamentally alter the nature of the service, program, or activity, the District must engage in an appropriate interactive process, including considering other modifications that might be available. The procedure should identify how the District will determine whether the modification would result in an undue financial or administrative burden.

4. By April 13, 2018, the District will review its grievance policies and procedures and make any modifications/updates necessary to ensure compliance with Title II and Section 504. Additionally, the District will ensure the materials posted on its website and all written materials provided to students, employees, and other interested persons reflect current policies and procedures that are compliant with Title II and Section 504. The District will remove outdated information related to Section 504 and Title II from its written materials and website.

Reporting requirement: By April 30, 2018, the District will provide OCR with a copy of the procedure for handling requests for reasonable modifications to policies, procedures and practices made pursuant to Title II. Also by April 30, 2018, the District will provide OCR with a written assurance that it has conducted a comprehensive review of its written materials and website in accordance with this agreement.

TRAINING

5. By May 15, 2018, the District will ensure that District staff responsible for coordinating the District's compliance with Section 504 and Title II have received training on the requirements of Title II that specifically covers requests for reasonable modifications. By May 15, 2018, the District will train all staff regarding the written procedure for handling requests for reasonable modifications to District policies, procedures and practices.

Reporting requirement: Within 30 calendar days of the date of each training described above, the District will provide OCR with documentation that it has provided appropriate District staff with the training referenced, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the District staff who attended the training.

DATA MAINTENANCE

6. Effective immediately, the District will document all requests for reasonable modification to District policies, procedures and practices (e.g., requests to modify District transportation policies or extracurricular programs), excluding requests specific to the related aids and services and the provision of a free and appropriate public education (FAPE) through Section 504 Plans and IEPs and decisions made by an appropriately convened group of knowledgeable persons regarding the identification, evaluation and placement of students under Section 504, and will maintain:

- a. A copy of all written and a narrative of all verbal requests for reasonable modifications to District policies, procedures or practices;
- b. A description of all actions taken by the District in response to the request, including the date of the action and the name/title of the person who took action;
- c. A detailed description of the steps taken by the District in analyzing the request, and a rationale for the District's determination of whether to grant or deny the request (including a detailed description of other modifications that might be available that were considered by the District, and if applicable, an explanation for why each alternative modification was rejected).

Reporting requirement: By July 31, 2018, and annually thereafter until OCR notifies the District that monitoring is closed, the District will provide OCR with copies of the required documentation for the previous school year.

INDIVIDUAL REMEDY

During the negotiation of this Agreement and in response to Student A's September 8, 2016 request for a reasonable modification to the District's transportation policy for the 2016-2017 school year, the District and Student A's Parent have come to an agreement regarding reimbursement for previous transportation expenses and the provision of transportation through the 2019-2020 school year (See Attachment A).

7. Effectively immediately, the District will provide the reimbursement to Student A's parent and will provide Student A with the transportation and agreed upon modification through the 2019-2010 school year.

Reporting requirement: By April 30, 2018, June 1, 2019, and June 1, 2020, the District will provide OCR with documentation that it has reimbursed Student A's parent and is providing Student A with transportation as stated in Attachment A. By June 1, 2019, and June 1, 2020, the District will provide OCR with documentation that it has provided Student A with transportation for the previous school year as stated in Attachment A.

IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT

The District understands that by signing this Agreement, it agrees to provide data and 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.4(a), and Title II and its implementing regulation at 28 C.F.R. §§ 35.130(a) and (b)7. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below:

Name and Title

Date