

Resolution Agreement
West Bend Joint School District No. 1
OCR Case No. 05-18-1205

West Bend Joint School District #1 (the District) enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 05-18-1205. This Resolution Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 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 based upon disability in any education program or activity receiving Federal financial assistance from the Department of Education or offered by a public entity, respectively.

The District will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that every student referred for evaluation under Section 504 receives a timely evaluation and eligibility determination.

Individual Remedy

1. By August 15, 2018, the District will meet with the Student's parents to review the outcome of the complaint. By August 31, 2018, the District will convene a group of persons knowledgeable about the Student, including his parents, to determine whether he requires compensatory services, remedial services, and/or counseling services for the time period during the 2017-18 academic year when the District was conducting a 504 evaluation of Student A. The group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond January 1, 2019.

REPORTING REQUIREMENT #1(a): By September 15, 2018, the District will provide OCR with a copy of the meeting minutes or similar documentation from the meeting referenced in item #1, including efforts to obtain the Complainant's participation, an explanation for decisions made, and a description of and schedule for providing any compensatory, remedial, and/or counseling services to the Student. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

REPORTING REQUIREMENT #1(b): By January 15, 2019, the District will submit to OCR an explanation, along with supporting documentation, of when and how any compensatory, remedial, and/or counseling services were provided, when they were provided, and who provided them.

Section 504 Policies, Procedures, and Practices

2. By September 15, 2018, the District will review and revise, as necessary, the School Board Administrative Rule for Policy 342.8, *Instruction of Students with*

Disabilities/Section 504 Plans, to ensure it adequately reflects the District's legal obligations under Section 504.

REPORTING REQUIREMENT #2: By September 15, 2018, the District will provide OCR with documentation showing that it reviewed and/or revised its Administrative Rule for Policy 342.8.

3. By August 22, 2018, the District will establish procedures for filing and processing referrals or requests that a student be evaluated under Section 504. These procedures may be made part of the Administrative Rule for Policy 342.8. These procedures shall include a mechanism for the 504 Coordinator to monitor the receipt and processing of all requests or referrals for an evaluation under Section 504.

REPORTING REQUIREMENT #3: By August 29, 2018, the District will provide OCR with documentation of the established procedures.

4. By September 15, 2018, the District, having already received School Board approval for any changes to the Administrative Rule for Policy 342.8 will publish and disseminate the revised Policy 342.8 and its accompanying procedures to all students/parents, administrators and staff. The District will make the policy (or policies) and procedures readily available on the District's website; in electronic versions of the Student and/or Parent Handbooks, as feasible, as well as by any other means of notification the District deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT #4: By September 24, 2018, the District will provide OCR with documentation showing that it disseminated the Administrative Rule for Policy 342.8.

Staff Training

5. By September 1, 2018, and on an annual basis thereafter, the District will provide training to all certified staff (teachers and administrators) on the current version of Policy 342.8 and the Administrative Rule for Policy 342.8 and its accompanying procedures for the evaluation of students under Section 504. The training will include, at a minimum:
 - a. the District's prohibition of discrimination on the basis of disability;
 - b. the District's obligation to provide a free appropriate public education; and
 - c. the District's procedure for referring or requesting an evaluation under Section 504.

REPORTING REQUIREMENT #5: By September 15, 2018, District will submit to OCR documentation demonstrating its compliance with item 5 of the Agreement, including information on the date(s) of training, the material covered, copies of any materials distributed during the training, and the steps taken by the District to ensure that any staff who did not attend the training received training at another time.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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, 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, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 34. Upon the District's completion of the obligations under this Agreement, OCR shall close and dismiss 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall 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.

For the District
West Bend Joint School District #1

Date