

**RESOLUTION AGREEMENT**  
Mehlville R-IX School District  
OCR Docket # 07141129

The Mehlville R-IX School District (District), St. Louis, 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*.<sup>1</sup> Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. 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**

- 1) This Agreement resolves the allegations in OCR Docket No. 07141129 and does not constitute an admission by the District of any violation of Section 504, Title II, or any other statute or regulation enforced by OCR.
- 2) OCR agrees to discontinue its investigation of OCR Docket No. 07141129 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegations in this complaint and any other issues identified by OCR during the course of its investigation.
- 3) 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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. 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 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; provided that any contact with or request of the District by OCR be communicated through the District's attorneys assigned to this case.
- 4) 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 these cases. OCR will consider the District to have fulfilled the terms of this Agreement and to be in compliance with the regulations implementing Section 504 and

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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>.

Title II upon OCR's determination that the District has completed the Reporting Requirements listed below in Section II.

- 5) 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**

- 6) Within 2 weeks of signing this agreement, the District will send written notice to the Student's parents that in the event that Student were to return to Mehlville, the District will provide the necessary related aids and services so the Student can attend and participate in school parties and other activities that are held for his age/grade/class under the same eligibility requirements that are applied to other students all District sponsored field trips and extracurricular activities as required in Item 8; that the District will provide appropriate staff to assist the Student to participate in the event and that the parents will not be required to accompany the Student as a condition of the Student's participation in the event as required in Item 8; that within 30 days of the Student's return to the District the District will convene the Student's IEP team to consider the educational and related services necessary for the Student to receive a free, appropriate, public education (FAPE) and the related aids and services necessary for the Student to fully participate in school parties and other similar activities, field trips, and extracurricular activities.

**REPORTING REQUIREMENT:** The District will provide to OCR a copy of the written notice to the Student's parents at the same time that the notice is sent to the Student's parents.

- 7) If the complainant's son (Student) returns to the District, the District will provide notice to the Students' parents in a reasonable manner selected by the Student's parents of all school parties and other similar activities that are held for students in his grade or class and all District sponsored field trips and extracurricular activities for his grade and class.
- 8) If the Student returns to the District, the District will provide appropriate staff and any necessary related aids and services to assist the Student to participate in school parties and other similar activities that are held for students in his grade or class and all District sponsored field trips and extracurricular activities and that the parents will not be required to supervise or accompany the Student as a condition of the Student's participation.

**REPORTING REQUIREMENT:** On a quarterly basis, the District will provide OCR a list of school parties and field trips that were held for the children in Student's grade and class, and will state whether Student

participated in such activities, and if Student has not participated, the reason for the non-participation shall be stated.

- 9) Within 30 days of the Student's return, the District will convene a meeting of the Student's Section IEP team (Team) to include the Student's parent, unless an extension in time is agreed to in writing by the parent. The team will consist of persons who are knowledgeable about the Student, the meaning of the Student's evaluation data and possible placement options, *i.e.*, the related aids and/or services that the Student needs because of his disability. The team will consider the educational and related services appropriate for the Student to receive a FAPE and the related aids and services necessary for the Student to fully participate in field trips and extracurricular activities.

**REPORTING REQUIREMENT:** Within 2 weeks of the team meeting the District will provide to OCR for review and approval the results of the team meeting, including the names and titles of the staff who participated, the names of any other people who attended the meeting, a copy of the information considered, and a copy of the Student's IEP or 504 plan, and a description of the team's decision regarding the related aids and services necessary for the Student to fully participate in field trips and extracurricular activities.

- 10) By the beginning of the 2016-17 school year, the District will develop written guidance for school site administrators and staff regarding the District's responsibility under Section 504 and Title II to include students with disabilities on all field trips which are determined to be part of the student's academic setting as defined by 34 C.F.R. § 104.33 (FAPE) and 34 C.F.R. § 104.34(a) (Education Setting-Academic Setting) and submit the guidance to OCR for review and approval. The guidance will:
  - a) denote that decisions about inclusion of students with disabilities must be made in a nondiscriminatory manner; by a group of individuals who are knowledgeable about the student and the nature of his/her disabilities, such as the individualized educational program (IEP) team, or Section 504 team; and in conformance with 34 C.F.R. § 104.34;
  - b) specify that the determination of whether a student with a medical or behavioral disability will participate in FAPE-related field trips and the appropriate accommodation(s) for each such student will be identified in the student's IEP or Section 504 Plan;
  - c) specify that any decision to exclude a student with a disability from a FAPE-related field trip due to factors that are, or may be, related to the student's disability must be made on the basis of current evaluative data about the nature and manifestation of the student's disability;

- d) specify that if behavioral support from an aide is a related service needed to facilitate a student's participation in a FAPE-related field trip, including during travel to the field trip, that the District must provide this support at no cost to the parent; and
- e) provide that the District may request that a parent accompany the student but may not require the parent to do so as a condition of the student's participation.

**REPORTING REQUIREMENT:** Within 30 days of receiving OCR's approval of the guidance developed pursuant to item 10 the District will publish the guidance on the District's website and provide notice of the guidance to all District administrative and teaching staff and parents of students in the District.

- 11) Within 60 days of receiving OCR's approval of the guidance developed pursuant to item 10, the District shall ensure District teachers, administrators, and other District staff involved in determining whether a student with a disability can or will participate in the activities outlined in item 8 of this Agreement receive training on the OCR approved policies and procedures developed pursuant to item 10 of this Agreement. The training will address the right of students with disabilities to participate in nonacademic and extracurricular services and activities, including but not limited to District-sponsored field trips, and on the permissible and impermissible actions the District may take when a student with a disability participates in an extracurricular activity or attends a District-sponsored field trip.

**REPORTING REQUIREMENT:** The District will provide OCR documentation showing it has completed the training described above within 20 days of the completion of the training. The documentation must identify the following: 1) the date, time and location of the training; 2) the topics and/or specific policies and procedures addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training); 3) the name(s), title(s), and credentials of the individual(s) who conducted the training; and 4) a description of the classes or groups of employees who attended the training.

- 12) If the complainant's son (Student) returns to the District, the District will immediately provide the Student with the same information that other students receive regarding school activities.

**REPORTING REQUIREMENT:** Within 60 days of the Student's return to the District the District will provide OCR documentation showing the Student was given the same information that other students receive regarding school activities.

- 13) This Resolution Agreement contains provisions requiring the District to take certain actions, conditioned on the event that Student were to return to the District; see ¶s 7, 8, 9, and 12. These requirements shall cease in the event that Student does not return to the District on or before January 5, 2017. The District acknowledges that it will continue to be bound to comply with Section 504 and Title II.

**REPORTING REQUIREMENT:** The District will notify OCR on or before January 16, 2017, if the Student has not returned to the District by January 5, 2017.

/s/ Dr. Chris Gaines

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Dr. Chris Gaines, Superintendent,  
Mehlville R-IX School District  
St. Louis, Missouri

7-18-16

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Date