

**RESOLUTION AGREEMENT
SPECIAL SCHOOL DISTRICT OF ST. LOUIS COUNTY, MISSOURI
& LADUE SCHOOL DISTRICT
OFFICE FOR CIVIL RIGHTS DOCKET NUMBERS 07161031 & 07161032**

The Special School District of St. Louis County Missouri (SSD) and Ladue School District (LSD) (collectively “Districts”) voluntarily submit this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve any and all allegations in Complaint Nos. 07161031 and 07161032 (Complaints) that were filed pursuant Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35.

The Districts submit this Agreement to resolve OCR Docket Nos. 07161031 and 07161032 and issues identified by OCR during the course of its complaint intake procedures pursuant to Section 302 of OCR’s *Case Processing Manual*. Given the OCR and Districts engaged in the Rapid Resolution Process (RRP), the OCR acknowledges this Agreement was reached prior to the conclusion of OCR’s investigation; OCR has made no findings of fact or law and has not issued a final determination with respect to the allegations in the complaint covered by this Agreement. The OCR acknowledges that the Districts continue to deny any wrongdoing under the circumstances.

The Districts acknowledge their respective obligations pursuant to Title II to ensure that communication with students with impaired vision, speech, or hearing is as effective as communication with students who do not have disabilities.

The Districts agree to take the following actions:

Provide Communication Access Real-time Translation (CART) Services to the Student

1. The Districts shall provide CART services when conducting the Student’s IEP meeting to ensure that the student can actively participate in the decision making process.

Reporting Requirement: Within 30 calendar days after conducting the IEP meeting, the Districts shall provide to OCR a written confirmation that CART services were provided for the Student during the IEP meeting.

2. Within 30 calendar days, the Districts shall convene an IEP meeting to discuss the Complainant’s request that the District implement CART services for the student. The IEP team shall include the student and the team commits to giving primary consideration to the student’s communication preferences, including the option of providing CART services. If the student requests CART services as his primary preference, the IEP team shall determine when and how the team will assess the effectiveness of the services, and what methods the team will use to evaluate the effectiveness.

Reporting Requirement: Within 30 calendar day after conducting the IEP meeting, the Districts shall provide OCR with a copy of the meeting notes, the student’s IEP, and if the student selects CART as his primary preference, the plan for implementing and assessing CART services. If the IEP team rejects the student’s primary communication preferences, the Districts shall provide OCR with proof that the particular auxiliary aid or service would be a fundamental alteration in the nature of a service, program, or activity, or be an undue financial and administrative burden. If Complainant refuses to allow Student to participate in the IEP meeting and/or to express his own communication preferences, the District shall notify OCR in writing within 30 calendar days after conducting the IEP meeting. In that case, the Districts will have been deemed to satisfy the requirements of paragraphs 2 and 3 of this Agreement.

3. Should the student indicate CART as his primary preference, and prior to making a determination about the effectiveness and continuation of the CART services, the Districts will provide notice to the Complainant and the Student of the scheduled IEP meeting to allow parental participation when discussing the assessment results. The Districts will provide a Notice of Action to the parents stating its decision within the timeframes required by the regulations implementing the Individuals with Disabilities Education Act (IDEA). The Districts shall give primary consideration to the Student’s feedback about the effectiveness of the CART services. If the Student does not select CART services as his primary preference, the District will notify OCR of the communication service selected by the Student and his IEP team. The requirements of paragraph 2 regarding the evaluation and effectiveness of the selected communication service will apply.

Reporting Requirement: Within 30 calendar days after conducting the IEP meeting to determine the effectiveness of the CART services, the District shall provide OCR with a copy of the meeting notes, a copy of the Notice of Action provided to the parent, a copy of the Student’s IEP, the basis for the Districts’ determination regarding CART services, and a list of all parties that attended for OCR’s review and approval.

4. By September 30, 2016, the Districts shall provide training to its administrators and teaching staff regarding Title II’s effective communication requirements. The Districts reserve the right to request OCR provide this training. Should the Districts choose to do so, the OCR commits to providing the training.

Reporting Requirement: If the Districts choose to provide the training without OCR’s involvement, within 2 weeks of providing the training required by item 4, the District will provide a copy of the agenda, the materials provided to the participants, the name and credentials of the person providing the training, and a sign in list showing the staff person’s name, title, and work location.

This Agreement is not intended to constitute, nor shall it be deemed to constitute, an admission by the Districts of any violation of Section 504 or Title II, or any other law or regulation pertaining to the allegations contained within the Complaint.

The OCR agrees that once the above provisions are met the file will be closed and no further monitoring activities will occur.

The Districts understand and acknowledge 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.

Michael Hodge, General Counsel
Special School District of St. Louis County
Town & Country, Missouri

Date

Dr. Derrick Wallace, Director of Student Services
Ladue School District
Ladue, Missouri

Date