

RESOLUTION AGREEMENT
Ladue School District
OCR Complaint Number 07-18-1096

The U.S. Department of Education, Office for Civil Rights (OCR), and the Ladue School District (the District) enter into this Agreement to resolve the allegation in the above-referenced complaint. This 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 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 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, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Section 504 Meeting and Plan

1. By September 21, 2018, the District will convene a Section 504 evaluation meeting to develop an appropriate Section 504 plan for the Complainant's son (Student) in accordance with the following:
 - a. The District will inform the complainant, in writing, of the date of the Section 504 evaluation meeting, and will give the complainant at least ten (10) calendar days to provide any additional information she would like the District to consider in the evaluation.
 - b. The Section 504 plan for the Student will provide any aids and services that may be necessary to provide a free and appropriate public education for the Student. In developing the plan, the District will draw upon a variety of sources for evaluating the Student's disability-related needs, including but not limited to:
 - i. the Student's history of disability;
 - ii. the history of special education and supports that have been provided by the District for the Student in the past;
 - iii. whether services should be provided even though the Student has previous academic success without services;
 - iv. any diagnosis of gifted in math (especially related to his math

- placement for next year);
- v. the independent testing results showing the Student as having dyslexia;
- vi. how the Student's disabilities affect him on a daily basis in more areas than just learning;
- vii. accommodations that may be needed for District standardized assessments; and
- viii. how the provisions of the Section 504 plan can be implemented as soon as the first day of the 2018-19 school year or as soon thereafter as is reasonably practicable.

The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENT 1: At least five (5) days prior to the Section 504 evaluation meeting, the District will provide OCR documentation specifying the date and time of the meeting. If the District emails OCR a copy of the Notice of Meeting to the parent, that is sufficient to meet this requirement.

REPORTING REQUIREMENT 2: Within ten (10) days of the Section 504 evaluation meeting required by item 1, the District will submit the following for OCR's review and approval: 1) identification and any copies of evaluative information considered, including information provided by the complainant, 2) a copy of any notices of procedural safeguards provided to complainant, and when provided, 3) a sign-in sheet with the date of the Section 504 evaluation meeting signed by each team member, 4) an explanation for the decisions made and the information considered, and 5) a copy of the Section 504 plan.

Section 504 Manual

2. As part of its ongoing efforts to comply with Section 504 and Title II, the District agrees to review and, as needed, amend its Section 504 Manual to ensure that the Manual conforms to the requirements set out in the Section 504 and Title II regulations. As part of its review, the District agrees to specifically address the items below:
 - a. describing how and when the District will notify the parents or guardians of District students of the District's Section 504 procedural safeguards, and how the District will maintain documentation demonstrating the parents or guardians have been informed of the Section 504 procedural safeguards;

- b. providing an opportunity for the parents or guardians of the student to examine relevant records;
- c. providing an impartial hearing relating to decisions involving the identification, evaluation and placement of students with disabilities, including the opportunity for participation by the student's parents or guardians and representation by counsel; and
- d. providing eligible students, parents or guardians a reasonable amount of time to request a Section 504 impartial hearing to challenge actions the District proposes or refuses under Section 504 regarding the identification, evaluation, program, or placement of a student with a disability.

REPORTING REQUIREMENT: By November 1, 2018, the District will provide OCR a copy of its revised Section 504 Manual to OCR for review and approval. Within 30 calendar days after OCR's approval, the District will adopt the revised Section 504 Manual and Section 504 process.

Administrative and Staff Training

- 3. The District will provide training by January 31, 2019, to all of its administrators and staff responsible for implementing the Section 504 Manual on the provisions of the revised Section 504 Manual.

REPORTING REQUIREMENT: Within thirty (30) calendar days from the completion of the training sessions, the District will provide OCR documentation showing it has completed the training. The documentation must identify and include (1) the name, title, and credentials of the individual(s) who conducted the training; (2) the date, time, and location of the training; (3) the topics addressed at the training; (4) a copy of any materials distributed at the training; and (5) one or more sign-in sheets with the name and title of each individual who attended the training.

GENERAL PROVISIONS

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, 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 regulation implementing Section 504, 29 U.S.C. § 794 at 34 C.F.R. § 104.44, and with 42 U.S.C §12131 at 28 C.F.R. §35.130. Upon completion of the obligations under this Agreement, OCR shall close 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.

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

_____/s/_____
For Ladue School District

July 17, 2018
Date