

RESOLUTION AGREEMENT
Fort Zumwalt R-II School District
OCR Case Number 07-19-1267

Fort Zumwalt R-II School District (District), O'Fallon, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 07-19-1267 and ensure the District's compliance with: Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 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 District voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

The District agrees to take the following actions:

1. By January 31, 2020 the District will complete an assistive technology assessment of the student who was the subject of the referenced complaint to determine the nature and duration of services that are necessary to address the student's disability-related needs in order to provide an equal opportunity to participate in school or in order to provide a free appropriate public education (FAPE.)
2. By February 28, 2020 the student's multidisciplinary team will review the assistive technology assessment and the student's most recent evaluation that was conducted to determine the student's disability-related needs for special education and/or related aids and services. This review will identify the specific services and technological equipment, if applicable, that will be provided to the student to address his disability-related needs in order to provide an equal opportunity to participate in school or in order to provide FAPE. The identified services and technological equipment, if applicable, will be documented in a Section 504 plan or IEP.

REPORTING REQUIREMENT: By March 13, 2020, the District will provide OCR with a copy of the assistive technology assessment and IEP or Section 504 Plan showing that it satisfied items 1 and 2 of this Agreement.

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 at which were at issue in this case.

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, 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 the regulation implementing Section 504 at 34 C.F.R. §§ 104.21 through 104.23, and 104.33, and the regulation implementing Title II at 28 C.F.R. §§ 35.149 through 35.151, which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

_____/s/_____
Dr. Bernard J. DuBray, Superintendent
Fort Zumwalt R-II School District

_____/1/29/2020_____
Date