

Resolution Agreement
OCR Case No. 07-20-1135
Wentzville R-IV School District

The Wentzville R-IV School District (District), Wentzville, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this complaint filed under 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:

Section 504 Evaluation

1. Within fifteen (15) calendar days of school beginning for the Fall 2020 school term, and after providing proper written notice to the Student's parent(s) (the Complainants), the District will seek the Complainants' consent to convene a group of persons (multi-disciplinary team) pursuant to Section 504 to meet and determine whether the Student is a qualified individual with a disability and, if so, whether the Student requires regular or special education and related services. During the meeting, the District will also consider whether the Student requires compensatory and/or remedial services. If the District determines that the Student requires compensatory and/or remedial services, within two weeks of that determination, the multi-disciplinary team will develop a plan for providing timely compensatory and/or remedial services during the 2020-2021 school year. The District will also provide the Complainants notice of the procedural safeguards, including the right to challenge the multi-disciplinary team's determination through an impartial due process hearing.

For purposes of complying with this agreement, the District's notice shall provide the Complainants thirty (30) calendar days within which to provide consent to evaluate the Student's need for disability-related aids and services and compensatory and/or remedial services. Thereafter, the District shall evaluate the Student in accordance with Section 504, at 34 C.F.R. § 104.35, should the Complainants subsequently request a Section 504 evaluation for the Student or should the District receive subsequent notice that the Student may require regular or special education and related services.

Reporting Requirements:

- a. Within ten (10) calendar days of providing the notice of the date of the Section 504 evaluation to the Complainants, the District will provide OCR with a copy of the notice sent to the Complainants. The District will provide OCR with evidence of the following:

(1) the District sent a letter, via certified mail and email, requesting consent to evaluate the Student for regular or special education and related services and compensatory/remedial services pursuant to Section 504;¹ and (2) whether the District received consent to evaluate the Student for regular or special education and related aids and services and compensatory/remedial services pursuant to Section 504.

- b. Within sixty (60) calendar days of the District’s convening the multi-disciplinary team, the District will submit to OCR documents supporting the team’s decisions, including but not limited to including plans/accommodations as needed due to a temporary placement in a residential treatment facility should it arise. The documentations submitted will include the names of all participants, an explanation for decisions made, the information considered, a copy of the Section 504 Plan/Individualized Education Program (IEP) developed for the Student (if any), a description and schedule of any compensatory and/or remedial services to be provided to the Student, and documentation that the District notified the Student’s parents of all determinations, and met all procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations.
- c. If the District determines that the Student requires compensatory/remedial services, the District will also provide to OCR, documentation that the Student received all compensatory and/or remedial services identified. The documentation shall include a description of the services provided, the dates and times the services were provided, and the name(s) of the providers.

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, 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 Section 504 and its implementing regulation at 34 C.F.R. § §104.4 and 104.38. 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.

_____/s/ XXXXXXX XXXXXXXX_____
XXXXXX
Wentzville R-IV School District

____ XXXXX_____
Date

¹ Pursuant to Section 504, at C.F.R. § 104.33 (b)(2), a recipient may satisfy its obligation to provide a FAPE to students with disabilities through the implementation of an Individualized Educational Program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA).