

**Westerville City School District  
Resolution Agreement  
OCR Docket #15-18-1068**

Westerville City School District (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*

The District agrees to take the following actions:

**Individual Remedies**

1. By **September 30, 2019**, the District will invite the parent to participate in an IEP team and schedule such meeting at mutually agreeable time, but not later than 45 days from the signing of this agreement. The meeting will be held to determine what compensatory education or other remedial services the Student requires, if any, as a result of XXXXX. The Team will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), and by whom and when the services will be provided. If the Team, in accordance with Section 504 and Title II, determines that the Student should XXXXX, the District will document the reasons for its decision and the information considered when making such a decision. The District will provide the Student's parent(s) 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 Requirements:** By **December 1, 2019**, the District will submit to OCR documentation showing implementation of Action Step 1, including but not limited to a copy of any meeting minutes, documentation of any input provided by the Student's parents, and documentation showing that all required written notifications and procedural safeguards were provided. Should the Team determine that the Student is not entitled to compensatory education or other remedial services, the District will document the reasons for its decision and the information considered in making that decision. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

2. By **September 30, 2019**, the District will send notification to the Student's parent(s), in writing, inviting the parent(s) XXXXX, the Team will meet within 15 days of XXXXX.

**Reporting Requirements:** By **September 30, 2019**, the District will submit to OCR documentation showing implementation of Action Step 2., including a copy of the notification sent to the Student's parent(s).

3. By **December 1, 2019**, the District will send notification to the Student's parent(s), in writing, of the Team's decisions regarding Action Step 1 above. The notification should include a detailed description of the outcome of the review; the nature and amount of compensatory education or remedial services to be provided, if any, including what services will be provided; where and how often the services will be provided; who will provide them; and a notice that no cost will be incurred by the Student's parent(s). The District will also notify the Student's parent(s), in writing, of the procedural safeguards  
**Reporting Requirements:** By **December 1, 2019**, the District will submit to OCR documentation showing implementation of Action Step 3..

4. By **June 1, 2020**, the District will provide documentation to OCR of the dates, times, and nature of the compensatory education or other remedial services that were provided to the Student (if applicable), including the name(s) and title(s) of the service provider(s).

**Reporting Requirements:** By **June 1, 2020**, the District will submit to OCR documentation showing implementation of Action Step 4.

5. In the event that the Student XXXXX PARAGRAPH REMOVED XXXXX

**Reporting Requirements:** Within 60 days of the date that the XXXXX, the District will submit to OCR documentation showing implementation of Action Step 5, including but not limited to a copy of any meeting minutes, a copy of any plan developed for the Student, documentation of any input provided by the Student's parents, demonstrating that the District XXXXX and documentation showing that all required written notifications and procedural safeguards were provided. Should the Team determine that XXXXX, the District will provide OCR with a written explanation of the reasons for that determination, along with any supporting documentation OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

6. In the event that the Student does not XXXXX, the District will send OCR a written letter by **June 15, 2020, June 15, 2021, and June 15, 2022** notifying OCR XXXXX.

### **District-wide Remedies**

7. By **September 30, 2019**, the District will revise and/or draft a policy for enrolling students in elective courses to ensure that its enrollment policy reflects that students with disabilities will be XXXXX. At a minimum the policy will include a notice of nondiscrimination stating that students with disabilities will not be excluded or otherwise denied an equal opportunity to participate in the program on the basis of disability or because of the need for related aids and services and will include a requirement that the District will make an individualized determination for each student with a disability prior any significant change in placement in accordance with 34 C.F.R. § 104.35.

**Reporting Requirements:** By **September 30, 2019**, the District will submit to OCR documentation showing implementation of Action Step 7, including a copy of any modification to written policies and/or related procedures made by the District, evidence of any communication and/or memoranda sent to District staff, and any evidence of any training given by the District to District staff.

8. By **September 30, 2019**, the District will submit for OCR's review and approval a copy of its proposed training materials to implement Action Step 9 below, along with the name and qualifications of the proposed trainer. The training will address the District's responsibilities not to, on the basis of disability, exclude students from participation in, deny them the benefits of, or otherwise subject them to discrimination under 34 C.F.R. § 104.4. Specifically, the training will address the District's obligation to not discriminate in the assignment of electives to students, based on the disabilities of those students.

**Reporting Requirements:** By **September 30, 2019**, the District will submit to OCR documentation showing implementation of Action Step 8.

9. **Within 90 days OCR's approval of the training materials** submitted under Action Step 8, the District will provide Section 504 training, by a competent authority on Section 504, to all administrators and staff members at Genoa Middle School who are responsible for the registration and placement of students in elective courses.

**Reporting Requirements: Within 60 days of administering the training**, the District will submit information to OCR documenting implementation of Action Step 9 above, including: the date(s) of the training(s); a copy of the training agenda; copies of training materials used; the name, title, and qualifications of the person(s) who provided the training(s); sign-in sheets or acknowledgments showing the names and job titles of all persons who received the training; and an organizational directory, or other documentation verifying that the entire set of staff who should have received the training actually did so.

## **General Requirements**

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 the 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 and obligations of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

/s/

9/27/2019

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Superintendent or Designee

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Date