

RESOLUTION AGREEMENT

Wentzville R-IV School District
OCR Docket Number 07081215

The Wentzville R-IV School District (District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegations of discrimination based on disability against the District in this complaint, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws.

The District's voluntary action does not constitute, nor should it be construed as, an admission of any action that is a violation of law or regulation enforced by OCR. Because the District resolved the complaint 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 allegation(s) resolved by this Agreement.

Accordingly, the District voluntarily agrees to take the following actions:

REVISION AND PUBLICATION OF NOTICE OF NONDISCRIMINATION

- 1) By **May 30, 2015**, the District will revise and adopt the District's combined notice of nondiscrimination in accordance with Section 504, Title II, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (Title IX), the Age Discrimination Act of 1975, 42 U.S.C. § 6101, and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and the implementing regulations of these federal laws. The District may consult with OCR for technical assistance in revising the notice of nondiscrimination, and may refer to OCR's policy guidance entitled *Notice of Non-Discrimination* (August 2010), including the sample combined notice of nondiscrimination, which may be accessed at www.ed.gov/about/offices/list/ocr/docs/nondisc.html. The District shall provide OCR with a copy of the draft, revised notice at least three weeks prior to disseminating it.
- 2) By **May 30, 2015**, the District will publish and prominently display its revised combined notice of nondiscrimination (notice) in an easily visible location, in student and employee online publications, including, but not limited to, the following publications: (a) announcements; (b) bulletins; (c) catalogs; (d) student and employee application forms; (e) board policies and grievance procedures for discrimination complaints; (f) student, parent and staff handbooks and student codes of conduct (including publications such as Student Behavioral Expectations & Guidelines); (g) recruitment materials; and (h) employee handbooks or materials. For hard-copy publications such as announcements, bulletins, catalogs, student and employee application forms, board policies and grievance procedures for discrimination complaints, and student, parent, and staff handbooks, the

notice should be placed near the beginning of each handbook in a section entitled *Nondiscrimination* or a similar title. The District will incorporate the revised notice in these hard-copy documents by the next publication date, but no later than **August 15, 2015**.

- 3) By **May 30, 2015**, the District will post the revised notice of nondiscrimination in at least two prominent locations at each District school and the District's administrative office, and prominently display the notice on the District's website. The online notice of nondiscrimination shall contain a link to the District's anti-discrimination, harassment, and retaliation policies and grievance procedures, including grievance procedures to address discrimination based on disability.

IMPARTIAL HEARING FILING PERIOD

- 4) By **May 30, 2015**, the District will adopt or amend existing policy and/or regulation addressing Section 504 due process appeal procedures to provide a filing time period for of not less than 90 calendar days for a student, parent of a student, or guardian, to request an impartial hearing relating to decisions or actions proposed or refused regarding the identification, evaluation, or accommodation of a student with a disability. The regulation shall further provide that determinations as to the timeliness of a request for a Section 504 impartial hearing shall be made solely by the impartial hearing officer, who shall have the discretion to grant a waiver of the filing deadline upon a showing of good cause by the requesting party. Notice of the policy and time period of not less than 90 calendar days to file a request for an impartial hearing, and information on how to request an impartial hearing request form, including the identity and contact information for the District's Section 504 Coordinator will be included in all District parent/student handbooks, notices of procedural safeguards, and forms.
- 5) The District will provide OCR with a copy of the draft, revised policy with respect to the filing time period for an impartial hearing required under paragraph 4 above, including the revised procedural safeguards and any applicable procedures or forms, at least three weeks prior to adopting or disseminating them.

PUBLICATION

- 6) The District will communicate its revised policy with respect to the filing time period for an impartial hearing, including the revised notice of procedural safeguards, to all administrators, board members, staff, students, and their parents, by:
 - a) disseminating the revised policy and procedural safeguards to all District staff members and officials through the District's electronic communications (email) system by **May 30, 2015**;

- b) The District will incorporate a notice about the revised policy with respect to the filing time period for an impartial hearing, including the revised notice of procedural safeguards, in the student, parent, and staff handbooks. The District will incorporate the revised notice in these hard-copy documents by the next publication date, but no later than **August 15, 2015**.

COMPLIANCE COORDINATOR

- 7) The District's coordinator will maintain a current list of hard-copy and online publications that contain the revised notice required under ¶ 1 and the anti-discrimination, anti-harassment, and anti-retaliation policies and grievance procedures.

TRAINING

- 8) The District represents that it will advise and instruct District staff who educate, serve, supervise and transport students with disabilities pursuant to Section 504 Accommodation Plans in the recognition of the need for, and, if appropriate and consistent with a student's Section 504 Plan, the provision of emergency medical attention to such students.
- 9) By **September 5, 2015**, the District will include the following topics in the District's next training for District officials and staff (including but not limited to administrators, teachers, paraprofessionals, psychologists, counselors, and the designated Section 504 compliance coordinator) pertaining to Section 504 and Title II compliance. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II and the training will include the following topics: A discussion and distribution of the District's revised notice of nondiscrimination, and an explanation of the District's revised timeframe of not less than 90 calendar days for students, parents, or guardians to request an impartial hearing pursuant to Section 504 and Title II relating to decisions or actions proposed or refused regarding the identification, evaluation, or accommodation of a student with a disability.

DOCUMENTATION

- 10) By **May 30, 2015**, the District will provide to OCR copies of its revised notice of nondiscrimination; and revised policy with respect to the filing time period for an impartial hearing, including the revised procedural safeguards and any applicable procedures or forms, required in the applicable paragraphs of this Agreement. The District also will provide OCR with a current list of the hard-copy and online publications in which the revised notice will be incorporated. In addition, the District will submit to OCR copies of the publications that contain the revised notice no later than October 1, 2015, a list of links to the online publications, and copies of photographs of the posted notice, including a description of the location of each posted notice in the District.

11) By **September 30, 2015**, the District will provide OCR documentation demonstrating that District personnel received the training identified in paragraph 8 of this Agreement. The documentation must identify:

- a) The date, time, and location of the training;
- b) The topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
- c) The name(s), title(s), and credentials of the individual(s) who conducted the training; and
- d) The title, position and/or job description of each employee who received the training.

12) By **September 30, 2015**, the District will provide OCR documentation showing it has completed the training required by paragraph 9 of this Agreement. The documentation must identify:

- a) The date, time, and location of the training;
- b) The topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
- c) The name(s), title(s), and credentials of the individual(s) who conducted the training; and
- d) The name and title of each employee who attended the training (a sign-in sheet with the attendees' names, signatures, and titles is sufficient).

The person signing for the District represents that he or she is authorized to bind the District to this Agreement.

/s/ Curtis Cain, Superintendent
Signature and Title for the District

3/12/15
Date