

Resolution Agreement
St. Louis City Public Schools
Docket # 07151190

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35, the St. Louis Public Schools (the District) voluntarily enters into this Resolution Agreement (Agreement). This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

The District voluntarily makes the following commitments to OCR:

1. By January 15, 2016, the District will convene a Section 504 Team meeting, to include relevant educational specialists who had knowledge of the Student's educational activities during the 2014-2015 school year, to determine whether the Student suffered any educational loss due to the District's alleged failure to fully implement the Student's Section 504 plan and, if so, whether this entitles the Student to compensatory education services. In making this determination, the Section 504 Team will adhere to the requirements of 34 C.F.R. § 104.33 (Free Appropriate Public Education) and § 104.36 (Procedural Safeguards). The District will invite, via certified mail, the Student's parent to attend the Section 504 Team Meeting for the Student at least fifteen (15) days in advance of the meeting, unless the Student's parent agrees to waive this requirement.
2. Within 15 calendar days of the meeting described above, the District will provide the Student's parent with written notice, via certified mail, of the outcome of the meeting, including: a description of any educational loss, a description of any compensatory educational services to be provided, and the appropriate beginning and ending dates for these services, as applicable. If compensatory educational services are determined to be necessary for the Student, the District will inform the Complainant that the Complainant must respond to the offer within fifteen (15) calendar days. The notice will also inform the Complainant of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If compensatory services are warranted, and the Student's parent accepts the District's offer, the District agrees to begin providing the services within fifteen (15) calendar days from the date of its receipt of the Student's parent's acceptance of the District's offer, unless such services are only available during the regular school term or from private providers whose services are not available within that time, in which case, the services shall begin as soon as the school term begins or the provider is available. The compensatory education program shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current

educational program. If the Section 504 Team determines that no educational loss occurred or that no compensatory services are necessary, the District will provide in its written notice a written explanation of its decision, along with a notice of the procedural safeguards.

REPORTING REQUIREMENT: Within 1 week of the determination regarding, type and amount of compensatory services, the District will provide to OCR for review and approval, a copy of the plan for providing compensatory services. The District will also submit to OCR, documents supporting the group's decision. The documentation submitted shall include documentation showing: 1) the participants in the meeting, 2) an explanation for decisions made, 3) the information considered, and 4) a description of and the schedule for providing any compensatory services to the Student. OCR will, prior to approving the District's decision, review the documentation 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.

3. In October 2015 the District initiated an evaluation and convened a multidisciplinary team (including the Student's parent) and determined the Student is a qualified individual with a disability as defined by the regulation implementing Section 504 at 34 C.F.R. § 104.3(j) and (l). The team determined what regular or special education and related aids and services the Student required to receive a free appropriate public education, as defined by 34 C.F.R. § 104.33.

REPORTING REQUIREMENT: In order to insure the determination was made in accordance with the procedural requirements of the regulation implementing Section 504 at 34 C.F.R § 104.35; by January 15, 2016, the District will provide to OCR for review, all documentation and information considered and created by the multidisciplinary team, including if applicable: 1) all information provided by the Complainant, the Student's parent, and the District, 2) a sign-in sheet with the date of the team meeting signed by each team member, 3) a copy of the Student's Section 504 plan or IEP; and 4) documentation showing the District provided the Complainant's client a copy of the District's notice of the procedural safeguards.

4. The IEP team will reconvene by February 5, 2016 to consider whether it is appropriate for the Student to receive additional compensatory services and, if so, which type of services should be provided.

REPORTING REQUIREMENT: Within 1 week of the determination regarding, the type and amount of additional compensatory services the District will provide to OCR for review and approval, a copy of the plan for additional compensatory services and all documentation and information

considered and the documentation supporting the group’s decision, including: 1) information provided by the Complainant’s client and the District, 2) a sign-in sheet with the date of the team meeting signed by each team member, 3) a copy of the Student’s Section 504 plan or IEP considered; 4) the Student’s compensatory services plan and specific schedule of services, if applicable, 5) the specific reason(s) for rejecting any particular compensatory service or program, if applicable; and 6) documentation showing the District provided the Complainant’s client a copy of the District’s notice of the procedural safeguards.

5. Upon approval of the schedule for additional compensatory services, the District will send a letter to the Student’s parent enclosing the schedule of the specific services, classes, or programs the team agreed to, including the anticipated dates and amount of compensatory time for each. The letter will be sent certified mail, return receipt requested, and the OCR investigator will be copied on the letter.

REPORTING REQUIREMENT: By the end of each academic semester the District will provide OCR a copy of the log specifying the date and the start and end time that compensatory services were provided to the Student for each session, class, or program, along with the amount of compensatory services time. The District will provide OCR a copy of the log until the District has provided the required amount of compensatory services.

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 regulation implementing Section 504 at 34 C.F.R. § 104.3(j) and (l)(2), § 104.33, and § 104.35 and the regulation implementing Title II at 28 C.F.R. § 35.130(a), 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. § 104.3(j) and (l)(2), § 104.33, and § 104.35 and the regulation implementing Title II at 28 C.F.R. § 35.130(a), which were at issue in 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/ Dr. Kelvin Adams
Superintendent

12-2-15
Date