

**RESOLUTION AGREEMENT**  
Ferguson-Florissant R-II School District  
OCR Docket Number 07161065

The Ferguson-Florissant R-II School District (District), Florissant, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve the allegation against the District, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (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 is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.<sup>1</sup> Therefore, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint. Nothing contained in this Agreement shall be construed to constitute an admission on the part of the District to any of the allegations in this complaint. The District agrees to take the following actions:

**TRAINING**

1. By October 31, 2016, the District will provide annual training on Section 504 and Title II compliance to District officials and staff, including but not limited to, administrators teachers, paraprofessionals, counselors, process coordinators, nurses and any other individuals who may be involved in the identification, evaluation, and placement of students suspected of having disabilities. The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II. The District's training will include the following topics and activities:
  - a) Information regarding the District's Section 504 and Title II policies, procedures, manuals, and forms.
  - b) The District's requirement, pursuant to the Section 504 regulation at 34 C.F.R. § 104.33(a) to provide a FAPE to all qualified students with a disability in its jurisdiction and that the provision of a FAPE is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of disabled students as adequately as the needs of non-disabled students are met; and (ii) are based upon adherence to procedures that satisfy the requirements of 34 C.F.R. §§ 104.34, 104.35, and 104.36.
  - c) The Section 504 regulation at 34 C.F.R. § 104.3(j)(1)(i) definition of a qualified individual with a disability as any person who has a physical or mental impairment which substantially limits one or more major life activities or has a record of or is regarded as having such an impairment. Examples of physical and mental impairments shall be discussed.

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<sup>1</sup> OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

- d) The eligibility criteria under Section 504 and Title II (including information on the ADA Amendments Act that requires a determination of whether an impairment substantially limits a major life activity to be made without regard to the ameliorative effects of mitigating measures), including examples of the circumstances and situations that obligate the District to conduct an evaluation under Section 504. The examples should include scenarios that demonstrate the coordination sometimes required between District/school departments to implement services.
- e) The District's obligation pursuant to 34 C.F.R. § 104.3 (and under 28 C.F.R. § 35.104), to consider the full range of major life activities (including, but which are not limited to, academic performance and/or educational impact) of a qualified individual with a disability, when identifying and evaluating a student who needs or is believed to need regular or special education and related aids and services due to a disability under Section 504. District's Section 504 referral and evaluation process and how it interfaces with student referrals and evaluations conducted pursuant to the Individuals with Disabilities in Education Act.
- f) The training will also include an explanation of the legal rights and responsibilities afforded students under Section 504 versus any school obligations that may exist to students receiving services under an individualized education plan.
- g) The District's system of procedural safeguards under Section 504, including what it includes, and when and how the system of procedural safeguards is implemented, including when the District's procedural safeguards document should be provided to parents/guardians.
- h) Information regarding disability discrimination and disability harassment, including a description of the District's nondiscrimination policies and procedures, the identification of the District's Section 504/Title II compliance Coordinator, and how and to whom to report incidents of disability discrimination or harassment.

**REPORTING REQUIREMENT:** By November 30, 2016, the District will provide OCR documentation showing it has completed the training described above for the 2016-17 school year for OCR's review and approval. The documentation must identify: a) the date(s) and time(s) of the training; b) the topics addressed at the training(s) (the District may provide OCR a 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 District administrator or employee who attended the training (a sign-in sheet with the attendees' names and titles is sufficient). OCR may be available to provide technical assistance and training to the District upon request.

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, 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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. 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 regulations implementing Section 504 and Title II 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.

The person(s) signing for the District represents that he is authorized to bind the District to this Agreement.

For the District:

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Superintendent

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Date