

RESOLUTION AGREEMENT
Douglas County School District
Benjamin Franklin Academy
Case Number 08-14-1187

In order to resolve the allegation in case number 08-14-1187, filed against the Douglas County School District and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to 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 of 1990 (Title II), and its implementing regulation at 28 C.F.R. part 35.

During the investigation, before OCR made findings, the District indicated its willingness to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. By August 22, 2014, the District will convene a Section 504 meeting and invite the Complainant to the meeting. The District will ensure that the Section 504 team meeting is a team of persons knowledgeable about the Student to include the school nurse. The purposes of the meeting are: (1) To ensure that the Student's Section 504 Plan properly addresses the Student's individualized toileting needs stemming from his diabetes, and (2) To determine whether the Student requires compensatory services for any instructional time missed due to his prior toileting needs. All of the Student's teachers will be notified of the results of the meeting and instructed on how to implement those results with the Student in each of their respective classrooms. The District will provide the Complainant notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: Within 15 days after the meeting, the District will demonstrate to OCR it has complied with Term 1. At a minimum, the District shall provide a copy of the Student's revised Section 504 Plan, the meeting notes, and a narrative describing specifically how the new terms of the plan address the Student's toileting needs. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. If the Complainant declines the invitation to the meeting, the District shall provide a copy of the invitation to the meeting and any notes and records of communications with the Complainant showing the Complainant's declination.

2. After OCR has reviewed and accepted the District's demonstration of convening the Section 504 meeting, the District will take steps to implement the compensatory services, if any, agreed upon by the Section 504 team.

REPORTING REQUIREMENT: Within 30 days from the date of OCR’s acceptance of the proposed compensatory services (if any) or remedial measures, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures. For compensatory services and remedial measures that will occur over time, the District must submit documentation regarding the specific timelines for implementation, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this case.

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 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For Douglas County School District:

_____/s/_____
Name Date
Title