

Resolution Agreement

Sierra Sands Unified School District
Office for Civil Rights
No. 09-15-1355

The Sierra Sands Unified School District (District), without admitting to any violation of law with respect to the issues raised in the complaint, agrees to implement this Resolution Agreement Reached During an Investigation (Agreement) to resolve the concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (Title II) and their implementing regulations in the above-referenced OCR case number.

I. Policies and Procedures and Guidance Memorandum

- A. The District will develop and issue a guidance memorandum for all District and XXXXXXXX Elementary School (School) staff regarding the requirements of 34 C.F.R. §104.32, §104.35, and §104.36, Board Policy 5210 (District's Child Find policy), and the Section 504 Service Plan Handbook, including the District's obligation to: identify and locate every qualified individual with a disability, regardless of whether parent/guardian asks for an evaluation; conduct an evaluation of any student who needs or is believed to need special education or related aids and services because of disability; take appropriate steps to notify the parents/guardians of such individuals of the recipients' duties related to the provision of a free appropriate public education; and provide parents/guardians with notice of procedural safeguards with respect to any action taken by the district regarding the identification, evaluation or placement of the student. The guidance memorandum will also explain that 34 C.F.R. §104.32, §104.35, and §104.36, Board Policy 5210 (District's Child Find policy), and the Section 504 Service Plan Handbook supersede Board Policy 5230 (revised on August 20, 2015), which describes the District's Student Study Team policy. The District may address additional Section 504 topics in the guidance memorandum and the training described in Section I.B.
- B. The District will provide training to all teachers, special education staff, assistant principal(s), and the principal at the School and all staff in the District's Special Education Department regarding the guidance memorandum described in Section I.A. This training may occur on more than one occasion so that all required staff can attend.

II. Individual Student

- A. Within five (5) school days of signing this Agreement, the District will mail the Complainant a written offer to evaluate the Student for special education and related services at his last known address and provide him procedural safeguards. The Complainant will have sixty (60) calendar days to supply the District with written acceptance of the District's offer to evaluate. The District will provide an assessment plan within fifteen (15) days of receiving the

Complainant's acceptance and timely evaluate the Student in accordance with Section 504, Title II, and their implementing regulations. The District may conduct this evaluation within its boundaries so long as it has qualified staff within that area to conduct the evaluation

III. Reporting

- A. Within thirty (30) days of signing this Agreement, the District will provide a draft of the memorandum described in Section I.A. to OCR for review and approval.
- B. Within five (5) school days of receiving OCR's approval of the documents in Section III.A., the District will issue the memorandum to all District and School staff and provide OCR with written documentation showing that all District and School staff received the memorandum.
- C. Within sixty (60) days of signing this Agreement, pursuant to Section I.B., the District will provide to OCR for review and approval a copy of the training agenda, the name(s) of the trainer(s), and a copy of the training materials. The District may provide only those portions related to the issues described herein in the event that training addresses other topics.
- D. Within thirty (30) days of receiving OCR's approval of the training in Section III.C., the District will provide the training(s). The District will provide OCR with documentation of completion within five (5) days of each training. This documentation is to include (1) the name(s) and title(s) of the trainer(s); (2) the date(s) of the trainings; (3) a copy of the final agenda and materials used at each of the trainings; (4) a list of the participants, including names and titles, at each of the trainings; and (5) the 2016-2017 staff list, including names and titles, for the School and the District's Special Education Department.
- E. Within ten (10) days of the date the District evaluates the Student for special education and related services pursuant to Section II.A., the District will provide OCR with documentation of the evaluation. If no evaluation occurs because the Complainant does not respond or consent to an evaluation, the District will notify OCR in writing within ninety (90) days of mailing its offer to evaluate, and will include documentation of the written offer to evaluate and the procedural safeguards provided to the Complainant and the Complainant's responses (if any).
- F. On or by July 1, 2017, the District will provide to OCR for review a list of all students identified as having ADD or ADHD at the School during the 2015-16 and 2016-17 school years, including (1) whether they were evaluated for special education or related services, (2) if not, why they were not evaluated for special education or related services, and (3) whether their parents/guardians were provided with procedural safeguards. The District will designate knowledgeable persons to review and discuss the list with OCR. Following this review, OCR may require the District to develop and disseminate additional guidance or training for School staff regarding the identification and assessment of students with suspected disabilities or take other reasonable actions as needed to ensure all students with suspected disabilities are identified and evaluated..

IV. Monitoring

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 Section 504 and its implementing regulations, and Title II and its implementing regulations, 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 Section 504 and Title II and the regulations implementing these statutes.

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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
School/Recipient Representative

_____11/01/2016_____
Date