

Resolution Agreement
Council Bluffs Community School District
OCR Docket #05-14-1321

Council Bluffs Community School District (District) submits the following agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in resolution of OCR complaint 05-14-1321. The District submits this agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

By entering into this Resolution Agreement, the District does not admit any violation of Section 504 of the Rehabilitation Act of 1973 or Title II of the American with Disabilities Act of 1990 with regard to the allegations in the complaint. Nothing contained in this Resolution Agreement shall be construed, or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act, by the District.

The District agrees to complete the following as a means to amicably resolve the instant Complaint:

Policies and Procedures

1. By **April 13, 2015**, the District will review, and revise if necessary, its policies and procedures to make certain such policies and procedures contain the necessary components to ensure that:
 - a. if the District has reason to believe a student may be a student with a disability, the District will adhere to the identification, evaluation, placement and due process procedures in the regulation implementing Section 504 at 35 C.F.R §§ 104.35 and 104.36; and,
 - b. with respect to students with disabilities who transfer into a District school and have existing Section 504 plans or Individualized Education Programs (IEPs), the District provides a free and appropriate education (FAPE) to these students, consistent with the regulation implementing Section 504 at 35 C.F.R §§ 104.33.

REPORTING REQUIREMENT: By **April 13, 2015**, the District will submit any revised policies and procedures to OCR for review and approval.

2. Within 60 calendar days of written notification of OCR's approval of any revised policies and procedures developed in accordance with Item 1, the District will adopt and implement the revised policies and procedures and will provide all administrators, teachers, and staff with written notice regarding the new policies and procedures. The revised policies and procedures will also be placed on the District's website and included in the Handbook for the 2015-2016 school year.

REPORTING REQUIREMENT: By **June 15, 2015**, the District will provide OCR with documentation that it has implemented Item 2, including copies of the written notices issued to administrators, teachers, and staff and a link to the revised policies and procedures on its website.

Staff Training

3. By **September 14, 2015**, the District will provide training to all administrators, teachers, and relevant staff responsible for the identification, evaluation, and placement of students with disabilities. The training will inform administrators, teachers and staff, and, specifically address the District's policies and procedures regarding the evaluation of a student who the District has reason to believe may be a student with a disability and students with disabilities who transfer into a District school and have existing Section 504 plans or Individualized Education Programs (IEPs) to ensure that the District provides a free and appropriate education (FAPE) to these students under Section 504 at 35 C.F.R §§ 104.33, 104.35 and 104.36.

REPORTING REQUIREMENT: By **September 30, 2015**, the District will provide OCR with documentation that it has provided the training required in Item 3, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training.

Individual Remedies

4. By **March 2, 2015**, the District will offer to conduct, with parental consent and upon Student A's reenrollment in the District, an evaluation of Student A to determine whether Student A was an individual with a disability under Section 504 at the time of initial enrollment at XXXXXXXX Middle School on December 5, 2013 up and through the date of re-enrollment at the District, and the extent to which, if any, Student A is entitled to compensatory services during said time period. In its letter of offer, the District will assure Student A's parent that the team will consider all information provided by the parent that was available at the time of enrollment at XXXXXXXX Middle School on December 5, 2013, including information from outside medical providers and counselors. If Student A's parents accept the offer, the evaluation will be conducted in accordance with District's Section 504 policies and procedures within 60 school days and compensatory services, if any, will be put in place by **May 30, 2015**. Student A's parent will be provided with procedural safeguards. If Student A's parents decline the offer of an evaluation and reenrollment at this time, the District will assure Student A and her parent that, if Student A were ever to reenroll in the District, it would conduct, at Student A's parent's request, a reevaluation of Student A to determine whether student A is an individual with a disability under Section 504 in need of special education and related services, academic adjustments, or modifications.

REPORTING REQUIREMENT: By **March 6, 2015**, the District will provide OCR with a copy of the letter sent to Student A's parents regarding Item 4. If Student A's parent elects

to pursue an evaluation and reenrollment, the District will provide OCR with documentation of the team's determination of whether Student A was an individual with a disability. If compensatory education services are determined to be needed for Student A, the District will provide OCR with documentation of the offer of services and, if applicable, the services provided, including the type, amount, and the name and title of the individual(s) who provided the services.

5. By **March 1, 2015**, the District will offer Student A's parent its full cooperation and support in enrolling Student A in the XXXXXXXX, a full time public virtual school serving students throughout Iowa in grades K-12, certified by the Iowa Department of Education and supported by state funding operating under the auspices of the XXX Community School District or the XXXXX Community School District. The District has, prior to the date of signing this Agreement, provided Student A's parent with the Open Enrollment Application necessary to enroll Student A in XXX and has noted the deadline to enroll Student A in said program for the 2015-2016 school year is March 1, 2015.

REPORTING REQUIREMENT: By **March 6, 2015**, the District will provide OCR documentation establishing the processing of the application, should Student A or her parent apply to XXXX, per the requirements of Item 5.

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 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 regulations implementing Section 504 at 34 C.F.R. §§ 104.4, 104.35, 104.36, and 104.7, and Title II at 28 C.F.R §§ 35.104, 35.107, and 35.130, 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 at 34 C.F.R. §§ 104.4, 104.35, 104.36, and 104.7, and Title II at 28 C.F.R. §§ 35.104, 35.107, and 35.130, 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.

Approved and agreed to on behalf of the Council Bluffs Community School District:

_____/s/_____
Superintendent

____2-23-15_____
Date