

RESOLUTION AGREEMENT
Banner County School
OCR Case Number 07-17-1024

The U.S. Department of Education, Office for Civil Rights (OCR) and the Banner County School (District), enter into this Resolution Agreement (Agreement) to resolve the allegations made in the above-referenced discrimination complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws, which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

I. SECTION 504 POLICY AND PROCEDURES

- (a) By November 20, 2017, the District will review and revise if necessary its Section 504 policies and procedures to meet the requirements of 34 C.F.R. §§ 104.31 through 104.36 regarding the identification, evaluation, and educational placement of students. The revised policies and procedures will:
1. require an evaluation of any student who, because of disability needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement;
 2. require the Section 504 team draws upon information from a variety of sources in interpreting evaluation data and making placement decisions, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
 3. require the establishment of procedures to ensure that information obtained from all sources is documented and carefully considered;
 4. require placement decisions are made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and placement options. A parent(s) or guardian is a required participant if she or she is a person knowledgeable about the student; and
 5. require the placement decision is made in a timely manner, and in the least restrictive environment to meet the individual educational needs of the Student.

- (b) By November 20, 2017, the District will ensure its procedural safeguards comply with the Section 504 regulation at 34 C.F.R. § 104.36 regarding a system of procedural safeguards, including a specific written procedure detailing how and when the District will notify the parents or guardians of District students of the District's Section 504/Title II procedural safeguards, and how the District will maintain documentation indicating the parents or guardians have been informed of their procedural safeguards. The District's Section 504/Title II policies, procedures and notice of procedural safeguards shall include the name or title, and telephone number of the District's designated Section 504 and Title II compliance coordinator. The District will publish these revised policies and procedures, by August 20, 2018.

REPORTING REQUIREMENT: By February 28, 2018, the District will submit the policy or procedure and procedural safeguards it developed to satisfy items I(a) and (b) of this Agreement to OCR for OCR's review and approval.

II. TRAINING

By November 20, 2017, and annually, the District will provide training to all of its school administrators, teachers, and counselors regarding the District's obligations under Section 504 and Title II. At a minimum, the training will address:

1. Section 504's and Title II's prohibition against discrimination on the basis of disability;
2. the District's obligation to conduct a Section 504 evaluation of any student who, because of disability, needs or is believed to need special education or related aids and services;
3. the District's process for handling requests from a student's parent(s) for a Section 504 evaluation of or Section 504 plan for a student;
4. the District's obligation to provide a free, appropriate public education to each qualified individual with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the individual's disability;
5. who in the District to contact with questions regarding the District's process for evaluating, or deciding when to evaluate, a student to determine if he or she qualifies for a Section 504 plan; and
6. the District's obligation to notify parents of their procedural safeguards, including their right to challenge a decision by the District not to evaluate a student under Section 504.

REPORTING REQUIREMENT: By November 20, 2017, the District will provide OCR documentation showing it has completed the initial training session required by

item II of this Agreement. The documentation must identify and include: the name and title of the individual(s) who conducted the training; a copy of any materials distributed at the training; and a sign-in sheet with the name and title of each individual who participated in the training. The District does not need to submit documentation to OCR regarding subsequent annual training sessions contemplated by item II of this Agreement unless OCR request such information from the District.

III. GENERAL PROVISIONS

The District understands that by signing this Agreement, it agrees to provide the foregoing 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. Upon completion of the obligations under this Agreement, OCR shall close 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.

Lana Sides, Superintendent
Banner County School

Date