

**Resolution Agreement**  
Papillion La Vista Community Schools  
OCR Case Number 07-18-1260

The Papillion La Vista Community Schools (District), Papillion, Nebraska, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this complaint filed under 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 34; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 34 C.F.R. Part 28.

Before OCR completed its investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not made any conclusions of law or issued a final determination with respect to this complaint. While the District agrees to take the following actions, nothing contained in this Agreement shall be construed as an admission on the part of the District to any of the allegations in the complaint.

The District agrees to take the following actions.

- A. If the Student reenrolls in the District during the second semester of the 2018-19 school year or 2019-20 school year as a general education student,<sup>1</sup> the District will treat the Student in all respects as a general education student, providing the Student general education services until such time as the District evaluates the Student, determines his eligibility for services under Section 504, and makes a placement decision pursuant to Items B and C of the Agreement.
- B. If the Student reenrolls in the District during the 2018-19 or 2019-20 school year, within 10 days of the Student's reenrollment, the District will notify the Complainant by certified letter of its intent, upon receipt of written parent/legal guardian consent, to conduct an evaluation of the Student to determine the Student's eligibility to receive services as a student with a disability under Section 504, and request consent to conduct the evaluation. The District will enclose a consent form for parent/guardian signature with the letter as well as a copy of the District's procedural safeguards that meet the requirements of 34 C.F.R. § 104.36.

**REPORTING REQUIREMENT:** Within **10** days of the date of the certified letter, the District will provide OCR documentation of the Student's date of reenrollment in the District, and a copy of the certified letter, enclosed consent form, and the District's procedural safeguards mailed to the Complainant.

**REPORTING REQUIREMENT:** Within **10** days of the last day of the second semester of the 2018-19 school year and each semester of the 2019-20, the District will notify OCR in writing if the Student did not reenroll in the District during that term.

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<sup>1</sup> OCR recognizes that the Student has a history of receiving special education services in the District. Nothing in this Agreement should be construed as precluding the Complainant from requesting and consenting to the District's evaluation of the Student and provision of special education services to the Student pursuant to the Individuals with a Disability Education Act (IDEA).

C. If the Student’s parent/legal guardian consents to the evaluation, the District will conduct the evaluation and make eligibility and placement determinations in accordance with the procedural requirements of Section 504 at 34 C.F.R. §§ 104.3(j)(1) and (2), 104.33, 104.34, and 104.35. Based on the evaluation, the Student’s multi-disciplinary team will determine whether the Student has an impairment(s) which substantially limits one or more major life activities pursuant to Section 504, and if so, the multi-disciplinary team will determine an appropriate educational placement for the Student, and draft and implement a 504 plan setting forth the Student’s educational placement and the services he is to receive.

**REPORTING REQUIREMENT:** Within **10** days of receiving parent/guardian consent to evaluate the Student, the District will provide OCR a copy of the signed parent/guardian consent form.

**REPORTING REQUIREMENT:** Within **10** days of completing the evaluation of the Student, making an eligibility determination, and developing a 504 plan for the Student, the District will provide OCR a copy of the complete evaluation of the Student, including all information and records considered in the evaluation; notes from the multi-disciplinary team meeting(s); the District’s eligibility determinations for the Student; the 504 plan, if any, developed and implemented for the Student; and notices, correspondence and other records made part of the Student’s Section 504 file in the District.

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. 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.

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Superintendent  
Papillion La Vista Community Schools

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Date