

**Resolution Agreement**  
**OCR Case No. 07211018**  
**Farmington R-VII School District**

The Farmington R-VII School District (District) voluntarily enters into this agreement to resolve the allegations in the above-referenced complaint filed under Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance (FFA), and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35 which prohibit discrimination on the basis of disability by public entities.

Before OCR completed its investigation, the District agreed to resolve the 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 regard 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 the allegations in the complaint.

**Section 504 Accommodation Review**

1. By \_\_MAY 31, 2021\_\_, the District will convene a Section 504 evaluation / review meeting, in order to evaluate the Complainant's daughter (Student) to determine whether the Student has a disability, and whether the Student needs related aids and services or supplementary aids and services in the regular education environment because of that disability, and the District will evaluate to determine if the Student's current placement is appropriate.
  - a. The District will inform the Complainant, in writing, of the date of the Section 504 evaluation / review meeting with at least ten (10) calendar days prior notice, unless waived by the Complainant.
  - b. In determining whether the Student is in need of a Section 504 accommodation plan and whether the Student's current placement is appropriate, the District will draw upon a variety of sources for evaluating the Student's disability-related needs, including the appropriate placement for the Student and input from the Complainant. The District will provide the Complainant with a meaningful opportunity to provide input into all determinations made by the review team as well as written notice of the determinations made, and notice of the procedural safeguards available to the Complainant under 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing should the Complainant disagree with the determinations.
  - c. The District will also consider during the evaluation / review, whether the Student is in need of compensatory services, and if it is determined that the Student is in need of compensatory services, the District will provide those services as needed.

**REPORTING REQUIREMENT 1A:** By   JUNE 30, 2021  , 2021, the District will provide OCR a copy of the notice of the Section 504 evaluation / review meeting required by Section 1 of this Agreement and evidence that the notice was sent to the Complainant as required by Section 1 of this Agreement.

**REPORTING REQUIREMENT 1B:** Within ten (10) business days following the Section 504 review meeting required by Section 1 of this Agreement, the District will submit the following to OCR:

- a. A copy of the Section 504 accommodation plan if the team determines that the Student will benefit from a Section 504 accommodation plan, or a written determination finding that a Section 504 accommodation plan is not needed;
- b. A copy of the notice of procedural safeguards provided to complainant as required by Section 1 of this Agreement, along with evidence of when the notice was provided to the Complainant; and
- c. A copy of the written determination of whether or not the Student is in need of compensatory services, and if so, the District's plan to provide those services.

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 its implementing regulation at 34 C.F.R. § 104.4 and 104.38. 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.

  XXXXX XXXXX    
Superintendent or Authorized Designee  
Farmington R-VII School District

  XXXXX    
Date