

RESOLUTION AGREEMENT
Spearville USD 381
OCR Complaint No. 07231131

Spearville USD 381 (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Complaint No. 07231131 and ensure the District's compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (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 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35. The District voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, noncompliance, or wrongdoing by the District.

The District agrees to take the following actions:

I. Policies and Procedures

Within thirty (30) days of signing this Agreement, the District will review and revise as necessary its policies and procedures for the identification, evaluation, and placement of students with disabilities so that it is consistent with the requirements of Section 504. The District's review must also include the review and revision of its policies for providing procedural safeguards.

Reporting Requirement: Within sixty (60) days of signing this Agreement, the District will provide OCR a copy of its revised policies and procedures required by Item I of this Agreement, as well as any link to where these policies and procedures can be found.

II. Training

Within ninety (90) days of signing this Agreement, the District will provide training to District administrators, teachers, and other staff with responsibility for implementing Section 504 Plans, on the revised policies and procedures. The training will also address the District's obligations regarding the dissemination and implementation of Section 504 Plans. The training will be conducted by an individual knowledgeable about the laws and issues pertaining to Section 504 compliance.

Reporting Requirement: Within one hundred and twenty (120) days of signing this Agreement, the District will provide OCR documentation showing it has completed the training required by Item II of this Agreement. The documentation must include the following: (1) the name and qualifications of the individual(s) who conducted the training; (2) the date(s) and location(s) of the training sessions; (3) a copy of the agenda and/or training materials; and (4) a sign-in sheet or other document with the name and title of participants and indicating any District staff who did not attend.

III. Individual Remedy

Within thirty (30) days of signing this Agreement, the District's Superintendent or designee will send correspondence to the Complainant with the following information:

1. if the Complainant reenrolls the Student in the District at any point in the future, the District will, upon receiving consent from the Complainant, evaluate the Student to identify any disabilities, and, if necessary, develop a plan, implement any existing plan, or modify an existing plan, to meet the Student's educational needs consistent with the requirements of Section 504.
2. regardless of whether the Student reenrolls in the District, the District is offering to conduct an assessment of the Student consistent with the requirements of Section 504 to determine whether the Student needs any compensatory services due to lost instructional time, and the District will provide any such compensatory services at no cost to the Complainant or Student.

For any evaluation or placement decision, the District will provide the Complainant notice of the procedural safeguards. The correspondence to the Complainant may be accomplished via email or U.S. Postal Service.

Reporting Requirement: Within sixty (60) days of signing this Agreement, the District will provide documentation to OCR of its communications with the complainant, indicating completion of the requirements of Item III of this Agreement. Documentation acceptable to OCR includes a copy of the correspondence sent to the Complainant showing the date and time the correspondence was sent, if sent by email, or a receipt or other evidence of the date the correspondence was mailed if sent by the U.S. Postal Service.

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 set forth in 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 and obligations of this Agreement.

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 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent (or designee)
Spearville USD 381

6/27/2023
Date