

**Resolution Agreement  
Cripple Creek School District  
Case No. 08-13-1063**

In order to resolve the allegations in Case Number 08-13-1063 filed with the U.S. Department of Education, Office for Civil Rights (OCR) against the Cripple Creek School District (District) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-65 and their implementing regulations at 34 C.F.R. §§104.4, 104.33 and 104.35 and 28 C.F.R. Part 35, the District agrees to take the actions outlined in this Resolution Agreement.

Prior to OCR's completion of its investigation and before OCR had made any findings, the District, without any admission of wrongdoing, indicated its desire to voluntarily enter into an agreement to resolve the complaint allegations and related procedural compliance concerns and ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the agreement's remedies align with the allegations. The District's decision to enter into this agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. The District will notify the Complainant and her client in writing that it will reimburse the client for documented expenses the client paid with her own funds for the visual tracking evaluation conducted on or about September 28, 2012, and for documented expenses she paid with her own funds related to the provision of XXXX software for home use during Fall 2012. If the District chooses, it may include in the notification a timeframe of 60 days by which the Complainant/client must provide the documentation.

**REPORTING REQUIREMENT:**

By February 1, 2014, the District will provide OCR with a copy of the letter sent to the Complainant/client, with proof that the letter was sent. If the Complainant/client provides the appropriate documentation within the timeframe, within 30 days of the Complainant/client's provision of the documentation, the District will provide OCR with the Complainant/client's documentation and proof of reimbursement. If the Complainant/client does not provide documentation within the timeframe, the District will notify OCR that documentation was not provided.

2. The District will notify the Complainant/client in writing that if the Student enrolls in the District for the 2013-14 or 2014-15 School Years, the District will convene a meeting to determine whether the Student requires any compensatory services due to not using homework folders during the period August 12, 2012 through October 18, 2012.

**REPORTING REQUIREMENT:**

By February 1, 2014, the District will provide OCR with a copy of the letter sent to the Complainant/Client, with proof that the letter was sent. If the Student re-enrolls, within 30 days of the re-enrollment, the District will provide OCR with documentation that a team was convened to determine if the Student requires compensatory services, and the results of the

determination. If compensatory services are determined appropriate, the District will provide OCR with documentation that those services were provided.

3. The District will review and revise its policies and procedures, as appropriate, applicable to disability harassment to ensure they are consistent with the requirements of Section 504 and Title II.

**REPORTING REQUIREMENT:**

- By February 1, 2014, the District will provide for OCR's review and approval a copy of the revised disability harassment policy and procedures, as appropriate.
  - Within 30 days of OCR's approval, the District will adopt, publish and disseminate the approved policy and procedures.
  - By February 1, 2014, the District will provide OCR with information so that we can review the implementation of the disability harassment policy and procedures, as appropriate.
4. The District will provide training to all staff on the content, requirements and application of the approved disability harassment policies and procedures.

**REPORTING REQUIREMENT:**

- By February 1, 2014, the District will provide OCR with a copy of the proposed training materials and identification of the trainer for OCR's review and approval. Within 60 days of OCR's approval, the District will provide a copy of the agenda for the training, a copy of the related handouts, and a sign-in sheet for those who attended the training.

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 School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-65 and their implementing regulations at 34 C.F.R. §§104.4, 104.33 and 104.35 and 28 C.F.R. Part 35 which were at issue in this case.

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 staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42

