

**RESOLUTION AGREEMENT**  
**Tanque Verde Unified School District**  
**Case Number 08-14-1074**

In order to resolve the allegation in case number 08-14-1074, filed against the Tanque Verde Unified School District (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. part 35.

During the investigation, before OCR made findings, the District indicated its willingness to 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. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. The District will revise its policies regarding the use of restraint and seclusion in District schools, giving consideration to the U.S. Department of Education's resource document on this topic.<sup>1</sup> The District will ensure that its restraint and seclusion policies are equitable to students with disabilities.

**REPORTING REQUIREMENT: By September 30, 2014,** the District will provide OCR with the proposed District policies regarding the use of restraint and seclusion, for OCR's review and approval. Within 45 days of OCR's approval of the District's policies, the District will submit documentation indicating that the approved revised policies have been officially adopted by the District and demonstrate that the policies have been disseminated using its standard methods for disseminating new information that is important to students, parents/guardians, employees, and other members of the public.

2. The District will ensure that the new policies implemented pursuant to Paragraph I above are disseminated to all certificated staff in the District and to any support staff that would have responsibility supervising students with disabilities or for carrying out the restraint and seclusion policies.

**REPORTING REQUIREMENT: Within 60 days of the date the District adopts the policies identified in Paragraph 1,** the District will provide OCR with a description of how the new policies were disseminated to staff members,

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<sup>1</sup> "Restraint and Seclusion: Resource Document" is available at [www.ed.gov/policy/rcstraintseclusion](http://www.ed.gov/policy/rcstraintseclusion).

and documentation showing that the policies were disseminated to those required to receive them.

3. The District will provide training on the new policies to all staff who are responsible for implementing the policies identified in Paragraph 1, regarding the appropriate use of restraint and seclusion techniques. The District will ensure that any teachers or paraprofessionals in the classroom at issue in this case receive this training.

**REPORTING REQUIREMENT: Within 90 days of the date the District adopts the policies identified in Paragraph 1,** the District will provide OCR with documentation demonstrating implementation of the training for required staff, including documentation that the required staff completed the training, and a copy of the training materials.

4. The District will provide annual training to all staff who are responsible for carrying out the restraint and seclusion techniques identified in the policies, regarding how to implement the techniques (including, for example, de-escalation and crisis management techniques, safely implementing restraint or seclusion techniques, documenting the use of restraint and seclusion techniques, etc.).

**REPORTING REQUIREMENT: Within 90 days of the date the District adopts the policies identified in Paragraph 1,** the District will provide OCR with a plan that indicates which staff members will be trained, describes the training program to be used, the frequency with which the training will occur, and the timeframe for providing the training. For two years annually from the date OCR approves the training plan, the District will report to OCR regarding the implementation of the plan.

5. The District will hold an IEP team meeting for the student, which will include (1) consideration of any changes to the student's IEP that may be necessary to ensure that the student is not subject to inappropriate restraint; and (2) clarification of how restraint and seclusion techniques may potentially be used with the student. The District will ensure that the IEP team meeting is a team of persons knowledgeable about the Student, the evaluation data, and the placement options. The District will take reasonable steps to obtain parental participation in the meeting, including communicating through multiple methods (phone, writing, email) and ensuring that the meeting is held at a time and place convenient to the parents. After such reasonable attempts, the District may hold the meeting without the parents. The District will provide the student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they

disagree.

**REPORTING REQUIREMENT: By September 30, 2014**, the District will submit to OCR documentation showing implementation of Paragraph 5, including a copy of any meeting minutes, meeting notices, a copy of any IEP developed for the student, documentation of any input provided by the student’s parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Paragraph 5. If the parents do not participate in the meeting, the District will provide documentation of all efforts to obtain the parents’ participation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations, and notify the District when it has completed this review.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulation implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, which were at issue in this case.

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 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, 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 (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 a minimum of sixty (60) calendar days to cure the alleged breach.

For Tanque Verde Unified School District:

	August 1, 2014
/s/	Date
Name	
Title	