

RESOLUTION AGREEMENT

Douglas County School District Case Number 08-15-1108

In order to resolve the open allegations in case number 08-15-1108, filed against Douglas County School District (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (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), 42 U.S.C. §§ 12131-65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to take the actions outlined in this Resolution Agreement.

During the course of OCR's investigation, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. The Agreement requirements are aligned with the identified issues and consistent with Section 504's and Title II's regulatory requirements. 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. By September 1, 2018, the District will review and revise, as necessary, the District's policies and procedures concerning Homebound and Home Instruction policies and procedures to ensure that students with disabilities receive special education and related aids and services consistent with the student's Individual Education Program or Section 504 plan during participation in the Homebound and Home Instruction programs. Specifically, the revised policies and procedures will ensure that:
 - a. Decisions regarding homebound services will be made consistent with the requirements of 34 C.F.R. Section 104.35 and based on an individualized assessment of the student's current medical and disability-related needs; and
 - b. The amount and type of services to be provided for students with disabilities will not be predetermined by any set limitation on the number of hours of educational services for students except to the degree that the limitation is consistent with the number of hours in an ordinary school day within the District.

REPORTING REQUIREMENT 1: The District will submit to OCR for approval the above-mentioned policies and procedures by **September 1, 2018**.

2. The District will consider and respond to any feedback from OCR with respect to the revised Homebound and Home Instruction policies and procedures. Within 60 days of the date of OCR's approval, the District will take action to officially adopt, publish and disseminate the policies and procedures, using its standard methods for disseminating new information that is important to students, employees and members of the public.

REPORTING REQUIREMENT 2: By **October 1, 2018**, the School will provide written verification to OCR that it has adopted and implemented its revised Homebound and

Home Instruction policies and procedures and has included them on the District's website.

3. The District will provide the following training to the District's 504 Coordinator, all Mesa Middle School instruction administration, teaching staff, and service providers. The training shall address (1) the District's obligation to provide a FAPE to each student with a disability who is in the District's jurisdiction; (2) that "appropriate education" is defined as the provision of regular or special education and related aid and services designated to meet the individual's educational needs as adequately as the needs of non-disabled students; (3) the District's affirmative obligation to timely identify and evaluate students suspected of being an individual with a disability, including the consideration of doing so upon parent request; and (4) the District's affirmative obligation to reevaluate where there is sufficient information to indicate that the student may have a disabling condition that requires special education or related services, including consideration of whether a student's previously known disabling condition has changed in a manner that warrants a reevaluation of the student's placement.

REPORTING REQUIREMENT 3A: Within 90 days of this Agreement, the District will provide OCR its draft training materials; identify who will be providing the training, by name, title, and qualifications; and provide a list of personnel required to participate in the training, by name and title.

REPORTING REQUIREMENT 3B: Within 60 days of OCR's approval, the District will provide documentation demonstrating that the training was provided and a copy of the training sign-in sheets.

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 District has fulfilled the terms of this Agreement and is in compliance Section 504 and its implementing regulation at 34 C.F.R. part 104 and Title II and its implementing regulation at 28 C.F.R. part 35, 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 Section 504 and its implementing regulation at 34 C.F.R. part 104 and Title II and its implementing regulation at 28 C.F.R. part 35, 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 the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

July 10, 2018
Name and Title
For Douglas County School District

/S/
Date