

RESOLUTION AGREEMENT

Colorado River Union High School District OCR Case Number 08-15-1134

In order to resolve the allegations in OCR case number 08-15-1134, filed against the Colorado River Union High School (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.

The District indicated its willingness to ensure compliance with Section 504 and Title II and resolve the allegations raised in the discrimination 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. The District agrees to take the following actions.

1. The District will hold an educational team meeting for the Student, to determine whether the Student requires any compensatory services as a result of missed educational time due to transportation and a resulting shortened school day to the Student during the 2014-15 school year. The District will ensure that the meeting includes a team of persons knowledgeable about the Student (including the Student's 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 A: Within 60 days of this Agreement, the District will submit to OCR documentation showing implementation of Paragraph 1, including a copy of any meeting minutes, 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 1. Should the educational team determine that no compensatory education or other remedial services are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. 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.¹

REPORTING REQUIREMENT B: Within 30 days from the date of OCR's acceptance of the proposed compensatory services (if any) or remedial measures, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures. For compensatory services and remedial measures that will occur over time,

¹ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an IEP team that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the IEP team described in provision 1 proposes compensatory services or remedial actions *and* those actions are clearly insufficient to provide equitable relief to the Student, OCR will notify the District of its concerns, and the District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures.

the District must submit documentation regarding the specific timelines for implementation, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified. If the Student is to receive compensatory services, the case will remain in monitoring until all compensatory services and remedial measures have been provided in full.

2. The District will hold individual educational team meetings for each student in the Self-Contained classroom at River Valley High School (School), to determine whether each student requires any compensatory services as a result of missed educational time (a) for time spent performing janitorial duties during the 2014-15 school year, including but not limited to cleaning tables, picking up trash, changing trash bags, and doing laundry for the School daily during first and fifth period classes to ; and (b) when they did not attend a Career Field Trip on March 4, 2015. The team will also discuss the District providing the student an opportunity to participate in a Career Field Trip in school year 2014-15.

The District will ensure that the meeting includes a team of persons knowledgeable about the student (including the student's parents), and review of outside evaluations. The District will provide each 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 A: Within 60 days of this Agreement, the District will submit to OCR documentation showing implementation of Paragraph 2, including for each student: a copy of any meeting minutes, 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 2. Should the educational team determine that no compensatory education or other remedial services are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. 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.²

REPORTING REQUIREMENT B: Within 30 days from the date of OCR's acceptance of the proposed compensatory services (if any) or remedial measures, the District will provide documentation that it has provided or is in the process of providing the compensatory services or remedial measures. For compensatory services and remedial measures that will occur over time, the District must submit documentation regarding the specific timelines for implementation, the person(s) responsible for overseeing full and timely implementation, and supporting documentation establishing that the compensatory services and remedial measures are being provided as specified. If a student is to receive compensatory services, the case will remain in monitoring until all compensatory services and remedial measures have been provided in full.

3. The District will provide written notice and training to District transportation administrators, School special education teachers, and School administrators that for students receiving transportation as part of an educational plan that the students may not have their school days

²See footnote 1.

shortened in order to receive transportation services unless a shortened school day is required by a student's educational plan and the student's individualized needs.

REPORTING REQUIREMENT A: Within 60 days of this Agreement, the District will provide, for OCR's review and approval, its draft training materials; identification of who will provide the training, by name and title; and a list of personnel required to participate in the training, by name and title and school.

REPORTING REQUIREMENT B: Within 60 days of OCR's approval of the training materials, the trainer, and who is to attend the training, the District will provide OCR with documentation demonstrating that the training was provided and a copy of the training sign-in sheets (including a printed list of names and titles).

4. The District will provide written notice and training to all School special education teachers and School administrators that:
 - a. Students with disabilities are not to routinely perform janitorial duties, such as picking up trash, cleaning tables, changing trash bags, and doing school laundry as part of educational time unless such skills relate to a specific education or transition goal listed in an individual student's educational plan that has been developed in accordance with Section 504 and Title II requirements at 34 C.F.R. §§ 104.34, 104.35 and 104.36; and
 - b. A students with disabilities is not to be excluded from school field trips unless such a determination is made by a group of persons knowledgeable about the student, including the student's parents after 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. Additionally, if it is determined the student will not attend, educational services must be provided to the student on the day of the field trip. A District is required to provide students with disabilities accommodations during the field trip in order to allow the student access to the information.

REPORTING REQUIREMENT A: Within 60 days of this Agreement, the District will provide, for OCR's review and approval, its draft training materials; identification of who will be providing the training, by name and title; and a list of personnel required to participate in the training, by name and title and school.

REPORTING REQUIREMENT B: Within 60 days of OCR's approval of the training materials, the trainer, and who is to attend the training, the District will provide OCR with documentation demonstrating that the training was provided and a copy of the training sign-in sheets.

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.

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.

For Colorado River Union High School District:

/s/ 8-28-15

Name
Title

Date