

**Resolution Agreement
Primero Reorganized School District
Complaint No. 08-15-1273**

In order to resolve the allegation that Primero Reorganized School District (District) discriminated against the Complainant's daughter (Student) on the basis of disability by (1) failing to evaluate the Student for a suspected disability; and (2) treating the Student differently because of her disability when it prohibited her from enrolling in an Introduction to Business course offered at the School in approximately Fall 2014, filed against the 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 and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities, the District agrees to implement the following Resolution Agreement.

During the course of OCR's investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II and resolve the allegations of this complaint. 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 and the OCR Office Director believes that doing so is appropriate, so long as the 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 review and revise its Section 504 policies and procedures for the identification, evaluation, and accommodation of students with disabilities so that they are consistent with applicable law. The District will submit the revised policies and procedures to OCR for approval. Within 30 days of OCR's approval of the revised policies and procedures, the District, through its Board of Education, will adopt the approved policies and procedures and will publish them on the District's website. The Student withdrew from the District in XXXXX and did not re-enroll in the District for the 2015-2016 school year. However, the District agrees to comply with its revised policies and procedures if the Student re-enrolls in the District.

REPORTING REQUIREMENT:

- a) Within thirty (30) days of the date of the execution of this Agreement, the District will submit the revised policies and procedures to OCR for approval. The District understands that it will not adopt the revised policies and procedures until OCR has approved them.
- b) Within thirty (30) days of adopting and publishing the revised procedures, the District will provide OCR with the Board minutes of the meeting at which the revised policies were adopted along with the url to the published policies.

2. The District will draft for OCR's approval in-service training materials and identify one or more persons knowledgeable about Section 504 and Title II who will provide the training, on a routine basis. The training will include, at minimum:
 - a) A review of the District's responsibility to comply with Section 504 and Title II, which states that educational institutions under OCR's jurisdiction may not discriminate against any person on the basis of disability;
 - b) An explanation of what constitutes disability discrimination, including examples of disability discrimination;
 - c) A provision stating that the District commits to following the provisions of 34 C.F.R. §§ 104.35 and 104.36. Specifically, the District shall evaluate any student who, because of disability, needs or is believed to need special education or related aids and services before initially placing the student and before any subsequent significant change in placement. Moreover, the District shall provide procedural safeguards for parents and guardians of disabled students with respect to any action regarding the identification, evaluation or placement of the student.
 - d) A statement by the District that it does not tolerate disability discrimination, that such conduct is prohibited by law, and that effective action, including disciplinary action where appropriate, will be taken; and
 - e) A review of the District's discipline policies and procedures, including the consequences or series of consequences for employees who are found to have engaged in disability discrimination.

REPORTING REQUIREMENT: Within thirty (30) days of OCR's approval of the policies and procedures identified in Item #1 above, the District will submit documentation required in Item #2 to OCR. Such documentation will include:

- The draft training materials for OCR's review and approval.
- Identification of the intended trainer(s) and information about the trainer's qualifications.

3. Within thirty (30) school days of OCR's approval of the training materials, the District will schedule and conduct an in-service training. Attendees at this training will include all high school staff and teachers at Primero Junior-Senior High School, the District's Special Education Director, and any other staff members located in the District's central/administrative offices who are responsible for identifying students who may need special education or related aids or services.

REPORTING REQUIREMENT: Within ten (10) calendar days after the conclusion of the training, the District will submit to OCR proof that the training was provided. Such documentation will include:

- The agenda and handouts for the training;

- date and time the training was held; and
 - A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from the District's Special Education Director that all required attendees were present during the training.
4. The District will send a letter to the Complainant providing assurances that it will not discriminate against the Student should she re-enroll in the District. At minimum, the letter will include the following assurances:
- The District will provide a free, appropriate, public education (FAPE) to the Student; and
 - Regarding the issue of the Student's enrollment in classes, the District's treatment of the Student will be comparable to that of similarly-situated students.

REPORTING REQUIREMENT: Within thirty (30) days of the execution of this Agreement, the District will submit to OCR a copy of the letter it sent to the Complainant that incorporates the details described above.

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 was 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 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 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 the 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For Primero Reorganized School District:

_____/s/_____
Name Date
Title