

RESOLUTION AGREEMENT
Douglas County School District
Case Number 08-15-1276

In order to resolve the allegation in case number 08-15-1276, filed against Douglas County School District (the District), and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the School District agrees to implement this Resolution Agreement. This case was initiated pursuant Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

This Agreement addresses OCR's finding that the School District did not provide the complainant with notice of its decision not to re-evaluate the student.

1. The School District will convene a team of persons knowledgeable about the Student, the Student's evaluation data, and the placement options to determine the following:
 - a. Whether any additional evaluation (such as a functional behavioral assessment) is necessary at the current time; and
 - b. Whether the delay in notifying the complainant of the decision not to conduct a functional behavioral assessment in the of Spring 2015 resulted in academic or non-academic harm to the Student. If the team determines that the student experienced harm, the team will consider whether compensatory or other remedial services should be provided to the Student to compensate for the harm.

The School District will provide the Student's parent(s) with prior written notice, a meaningful opportunity to provide input into the determination, notice of the determination 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. If the Team determines the Student is entitled to compensatory education or services, the Team will develop a plan for providing the required education or services, and the School District will provide such education or services in addition to any other service to which the Student is entitled.

REPORTING REQUIREMENTS: By December 31, 2017, the School District will provide OCR with evidence that a team meeting was convened for the purpose of complying with Term 1. The School District will further provide documentation showing that it provided prior written notice of the meeting.

If the Team determines that no compensatory education or other remedial services were necessary, or that no additional evaluation is necessary, the School 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 School 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. OCR will notify the School District of any concerns discovered in this review.

If compensatory or other remedial services are determined to be necessary, the School District will provide OCR with a schedule for providing these services for the Student and documentation demonstrating the complete provision of services for the Student.

2. The School District will draft a training memorandum for distribution to all certificated staff and building administrators who are responsible for the oversight and development of Section 504 Plans and Individualized Education Plans at XXXX School. The memorandum will remind staff of Section 504 regulation's procedural safeguard requirement at 34 C.F.R. § 104.36, specifically emphasizing the need to provide notice with respect to actions regarding the identification, evaluation, or educational placement.

REPORTING REQUIREMENT: Within 30 days after this Agreement is signed, the School District will submit to OCR for review and approval a draft of the above-mentioned training memorandum.

3. The School District will consider and respond to any feedback from OCR with respect to the draft memorandum. After obtaining OCR's approval, the School District will distribute the memorandum under the General Counsel's signature to all certificated staff at XXXX School.

REPORTING REQUIREMENT: Within 30 days of obtaining OCR's approval of the training memorandum, the School District will provide OCR a copy of the signed memorandum and documentation that shows that the memorandum was distributed to the required personnel.

The School District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the School District understands that during the monitoring of this Agreement, OCR may visit the School District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II at 34 C.F.R. §§ 104.32-104.37, which were at issue in this case.

The School District understands that OCR will not close the monitoring of this Agreement until OCR determines that the School District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing 34 C.F.R. §§ 104.32-104.37, which were at issue in this case.

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

For Douglas County School District:

/s/ William Trachman

Name:

Date:

Title: