

RESOLUTION AGREEMENT
Colorado Springs School District 11
OCR Case Number 08-16-1039

In order to resolve allegations in case number 08-16-1039, filed against the Colorado Springs District 11 (District) opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. The complaint allegations relate to a District charter school, CIVA Charter School (CIVA). 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. §§ 104.33 and 104.7-104.8, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107 & 35.130.

1. Policies and Procedures: The District will develop policies and procedures to respond to disability discrimination complaints and notice of its compliance officer that are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. §§ 104.7–104.8 and 28 C.F.R. §§ 35.106-35.107.

REPORTING REQUIREMENTS:

- Within 90 days of the signing of this agreement, the District will submit to OCR for review and approval the District’s draft policies and procedures for responding to disability discrimination complaints.
- Within 60 days of OCR’s approval of the policy, the District will adopt the approved policy and provide the policy to all parents and students. The notice may be accomplished by placing information regarding the policy in school newsletters and on the District’s website with links to the policy posted on its website.
- Within 60 days of OCR’s approval of the policy, the District will provide OCR with supporting documentation to show the approved policy is adopted and notice was provided. Supporting documentation will include 1) web links to where the policy is posted on its website, 2) copies of school newsletters, or 3) other similar documents notifying parents of the changes to the District’s policies and procedures.

2. Policies and Procedures: CIVA will develop policies and procedures to respond to disability discrimination complaints and notice of its compliance officer that are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. §§ 104.7–104.8 and 28 C.F.R. §§ 35.106-35.107.

REPORTING REQUIREMENTS:

- Within 90 days of the signing of this agreement, the District will submit to OCR for review and approval CIVA’s draft policies and procedures for responding to disability discrimination complaints or provide a statement that CIVA will be using the District’s policies and procedures that will be developed in response to the requirements for Agreement Term 1.
- Within 60 days of OCR’s approval of the policy (either CIVA’s or the District’s policies and procedures), CIVA will adopt the approved policies and procedures and provide the policies and procedures to all parents and students. The notice may be

accomplished by placing information regarding the policy in school newsletters and on CIVA's website with links to the policy posted on its website.

- Within 60 days of OCR's approval of the policy (either CIVA's or the District's policies and procedures), the District will provide OCR with supporting documentation to show the approved policy is adopted and notice was provided by CIVA. Supporting documentation will include 1) web links to where the policy is posted on its website, 2) copies of school newsletters, or 3) other similar documents notifying parents of the changes to CIVA's policies and procedures.
3. The District will ensure that the new policy is disseminated to all staff in the District. The District will provide a review of the new policies and procedures at a staff meeting at each of its schools within 90 days of OCR's approval.

REPORTING REQUIREMENTS:

- Within 90 days of OCR's approval of the policies and procedures, the District will provide OCR with a description of how the new policies and procedures were disseminated to staff members, documenting that the policies have been reviewed in a staff meeting at each school.
4. The District will ensure that the new policy is disseminated to all staff at CIVA. The District will provide a review of the new policies and procedures at a staff meeting at CIVA within 90 days of OCR's approval.

REPORTING REQUIREMENTS:

- Within 90 days of OCR's approval of the policies and procedures, the District will provide OCR with a description of how the new policies and procedures were disseminated to the CIVA staff members, documenting that the policies have been reviewed in a staff meeting at each school.
5. The District will identify and annually train the staff members at each school, including CIVA, who are responsible for responding to disability discrimination complaints.

REPORTING REQUIREMENTS:

- Within 90 days of OCR's approval of the policies and procedures, the District will provide OCR with a copy of the training agenda, training materials, and identify the trainer and her/his qualifications to provide the training for OCR's review and approval
- Within 90 days of OCR's approval of the trainer and training materials, the District will provide OCR with a copy of all handouts provided during or before the training, a list of all staff identified to receive the training, and a sign-in sheet for those attending the training that identifies their name and school and will continue annually until the completion of this Agreement.

6. The District will identify and annually train the instructional and administrative staff members at CIVA regarding the requirements of Section 504, including identification, evaluation, placement, and provision of accommodations.

REPORTING REQUIREMENTS:

- Within 90 days of OCR's approval of the policies and procedures in Agreement Terms 1 and 2, the District will provide OCR with a copy of the training agenda for the training and identify the trainer and her/his qualifications to provide the training for OCR's review and approval
 - Within 90 days of OCR's approval of the trainer and training materials, the District will provide OCR with a copy of all handouts provided during or before the training, a list of all staff at identified to receive the training, and a sign-in sheet for those attending the training and will continue annually until the completion of this Agreement.
7. The District will write the Complainant and offer to convene a meeting of a group of persons knowledgeable about the Student upon re-enrollment in the District, which will include consideration of whether the Student should be evaluated for a disability and special education services or disability-related accommodations, and whether the Student requires any compensatory services. The District will ensure that the group is a group of persons knowledgeable about the Student, the evaluation data, and the placement options including the Student's parents, to individually assess the amount of compensatory services, if any, that would be appropriate for the student and, if necessary, draft an action plan containing proposed compensatory services or remedial measures that will be offered or taken, the specific timelines for implementation, and the person(s) responsible for overseeing full and timely implementation. 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: Within 60 days of this Agreement, the District will submit to OCR documentation showing implementation of Paragraph 7, including a copy of the letter sent to the Complainant, a copy of any response from the Complainant, any meeting minutes, a copy of any educational plan 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 7. Should the District determine that no compensatory education or other remedial services were 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

8. After OCR has reviewed and accepted the District's determination, the District will take steps to implement the compensatory services, if any, agreed upon by the educational team.

REPORTING REQUIREMENT: 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 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.

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 at 34 C.F.R. §§ 104.33 & 104.7-104.8 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107 & 35.130, 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 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 at 34 C.F.R. §§ 104.33 and 104.7-104.8 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107 and 35.130, which were at issue in this case.

¹ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by a group of persons knowledgeable about a student that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the group described in provision 7 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.

For Colorado Springs District 11:

/S/ 9/30/16

Name	Date
Title	