
**TAOS MUNICIPAL SCHOOLS
OCR CASE NO. 08-16-1044
RESOLUTION AGREEMENT**

In order to resolve the remaining allegations in case number 08-16-1044, filed against Taos Municipal Schools (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 35.¹ 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.

1. The District will prepare training specifically for staff including administrators and all other District personnel charged with participating in the provision of services under Section 504². Specifically, the District will:
 - a. Draft a training package on the policies and procedures regarding the provision of a FAPE under Section 504 specifically including:
 - the requirements to timely evaluate students;
 - what is an appropriate evaluation (without cost to the parents);
 - the involvement of parents in evaluation;
 - that the requirements to provide services must be by appropriate staff;
 - that providing FAPE is not discretionary or optional for staff; staff must provide services that are identified in Section 504 plans and Individual Education Programs, and
 - to provide a FAPE to students with disabilities that is appropriate and free of any cost to the Student or the parents , and
 - b. Identify the trainer or trainers that the District proposes to provide this training with the name and credentials of each. The credentials will include a curriculum vitae demonstrating that the trainer possesses experience in the areas identified in this training package.

Reporting Requirement:

By **April 7, 2017**, the District will provide documentation satisfying this item for OCR's review and approval.

¹ This Resolution Agreement, when signed by the District, supersedes the prior agreement dated January 30, 2017 addressing OCR case number 08-16-1044.

² This is to include classroom teachers and paraprofessionals who may participate in the provision of services.

2. The District will consider and respond to any feedback from OCR with respect to the draft training package and identification of the trainer(s). Within **30 days** of OCR's approval of both, the District will provide the training to the identified staff at the District.

Reporting Requirement:

Within **10 days** of conducting the training, the District will provide OCR copies of the sign-in sheets from the training and written verification that all identified individuals at the District completed the training.

3. By July 31, 2017, the District will conduct a multidisciplinary team meeting to address the allegation that it failed to fully implement the Student's IEP. The team will decide: what services are to be provided, if any; who will be the appropriate service provider(s); the location of the compensatory services (the Student is currently attending college), and the duration of the services to be provided.³ The meeting shall be conducted pursuant to the procedural requirements of the Section 504 regulation at 34 C.F.R. §§ 104.35-104.36.

Reporting Requirement:

By August 15, 2017, the District will provide OCR with written documentation that it conducted a multidisciplinary team meeting to define the provision of compensatory education for the Student. Written verification will include: a copy of the sign in sheet from the meeting, which identifies each participant by name and title, an explanation of what services are to be provided, identification of an appropriate service provider(s); the location of compensatory services, the duration of the services to be provided, and documentation that the District provided meeting participants with appropriate procedural safeguards. OCR will review the documentation to ensure that the group met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making its determination.

4. By July 31, 2017, the District will conduct an audit to ensure the parent has been reimbursed all co-payments for speech services identified in his IEP. A thorough audit may include a discussion with the parent to identify potential missing payments; and/or written demonstration of all payments made to the parent with dates and canceled checks, as appropriate. If by April 30, 2017, the District is unable to demonstrate that it paid all the insurance co-payments the parent had for the speech services identified in his IEP, it will reimburse the parent for all outstanding co-insurance payments.

Reporting Requirement:

By August 15, 2017, the District will provide the OCR with written verification that the audit has been completed, results of the audit and verification that, if required, the District has reimbursed the parent for all insurance co-payments for the Student's speech services as indicated in his IEP.

³ We note that these services are to be provided at no cost to the Student and the Complainant.

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. The District also understands that by signing this Agreement, it is not admitting to any violation of any law or regulations and that the purpose of this Agreement is solely to resolve the allegations of this complaint.

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 with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, and 104.35, and Title II, at 28 C.F.R. § 35.130 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 the regulations cited above.

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 sixty (60) calendar days to cure the alleged breach.

For Taos Municipal Schools:

_____/s/_____
Dr. Lillian Torrez
Superintendent

_____/04/27/2017_____
Date: