

RESOLUTION AGREEMENT

Hondo Valley School District
OCR Case Numbers 08-16-1162 & 08-16-1163

In order to resolve allegations in OCR case numbers 08-16-1162 and 08-16-1163, filed against the Hondo Valley 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. §§ 104.4, 104.7-104.8, 104.33-104.35, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.106-35.107 and 35.130.

1. Section 504 and Title II Grievance Procedures. Notice of Section 504/Title II Coordinator. and Notice of Non-Discrimination: The District will revise its policies and procedures, including, but not limited to its Equal Educational Opportunity policy and Policy JB-R, for responding to disability discrimination complaints and to provide notice of its compliance officer, so that the policies and procedures and notices 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:

- By September 30, 2016, the District will submit to OCR for review and approval the District's draft policies and procedures for responding to disability discrimination complaints and to provide notice of non-discrimination and its Section 504/Title II compliance officer.
 - Within 60 days of OCR's approval of the District's grievance policy and procedures, and notices of nondiscrimination and Section 504/Title II compliance officer, the District will adopt the approved policy and procedures and notices, and provide notice of these to District parents and students. The notice may be accomplished by placing information regarding the grievance policy and procedures, notice of the Section 504/Title II compliance officer, and notice of non-discrimination in school newsletters and the District's website with links to these posted on its website.
 - Within 60 days of OCR's approval of the grievance policy and procedures, and notices, 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 grievance procedures and policy, notice of Section 504/Title II coordinator, and notice of non-discrimination, are posted on the District's website, 2) student handbooks, 3) copies of school newsletters, or 4) other similar documents notifying parents of the changes to the District's Section 504/Title II grievance policies and procedures, of the notice of the Section 504/Title II Coordinator, and notice of non-discrimination.
2. The District will ensure that the OCR-approved Section 504/Title II grievance policies and procedures, notice of Section 504/Title II Coordinator, and notice of non-discrimination are

disseminated to all staff in the District. The District will review the policies and procedures at a staff meeting at each of its schools within 60 days of OCR's approval.

REPORTING REQUIREMENTS:

- Within 60 days of OCR's approval of the grievance policies and procedures that address Section 504 and Title II issues, the District will provide OCR with a description of how the policies and procedures were disseminated to staff members, documenting that the policies have been reviewed in a staff meeting at each school.
3. The District will update its website to ensure clear and simple access to information regarding the District's Section 504 and Title II compliance officer, notice of non-discrimination and grievance process, including accurate links to discrimination policies and procedures.

REPORTING REQUIREMENTS:

- Within 60 days of OCR's approval of the policies and procedures, the District will provide OCR with the links demonstrating clear and simple access to information regarding its Section 504 and Title II compliance officer, notice of non-discrimination, and grievance procedure.
4. The District will identify and annually train the staff members at each school who are responsible for responding to disability discrimination complaints. The training will include the obligation of staff to refer potential discrimination complaints to the District's compliance officer in accordance with the approved District policy and procedure.

REPORTING REQUIREMENTS:

- Within 30 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 60 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.
5. The District will revise its policies and procedures for the identification, evaluation and placement of students with disabilities. The District will also provide training for all staff, teachers, and administrators regarding the requirements of Section 504 and Title II regarding identification, evaluation, and placement of students with disabilities [34 C.F.R. §§ 104-33-104.35].

REPORTING REQUIREMENTS:

- By September 30, 2016, the District will provide its policies and procedures for the identification, evaluation and placement of students with disabilities.

- Within 60 days of OCR's approval of the District's policies and procedures related to term 5 of this Agreement, the District will adopt the approved policy and procedures, and provide notice of these to District parents and students. The notice may be accomplished by placing information regarding the policy and procedures in school newsletters and the District's website with links to these posted on its website.
 - Within 60 days of OCR's approval of the policies and procedures for the identification, evaluation and placement of students with disabilities, 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 policies and procedures, and notice of Section 504/Title II coordinator, are posted on the District's website, 2) student handbooks, 3) copies of school newsletters, or 4) other similar documents notifying parents of the changes to the District's Section 504/Title II FAPE procedures.
 - Within thirty (30) calendar days of OCR's approval of the policies and procedures identified in term 5 above, the District will submit:
 - Draft training materials to OCR for OCR's review and approval;
 - Identification of the intended trainer(s) and information about the trainer's qualifications; and
 - A list of employees, including names and titles, which the District identified to receive the training consistent with Agreement Term 5.
 - Within sixty (60) calendar days of OCR's approval of the training materials, the District will schedule and conduct the training.
 - 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; and
 - The date and time the training was held.
6. The District has written the Complainant and offered to hold an IEP team meeting and determine whether Student A requires any evaluations and/or compensatory services upon re-enrollment in the District. If the Complainant re-enrolls Student A in the District, the District will hold an IEP meeting to consider whether Student A should be reevaluated for a disability, and whether Student A requires any compensatory services regarding any missed adaptive physical education or missed progress reports. For Student A, the District will ensure that the IEP team is a team of persons knowledgeable about Student A, the evaluation data, and the placement options, including Student A's parents. The IEP team will individually assess whether an evaluation is needed and 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 Student A'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: If the Complainant re-enrolls Student A in the District while this Agreement continues to be monitored for implementation by OCR, the District will provide 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 6. 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.

7. The District will write the Complainant and offer to hold an educational team meeting for Student B 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 Student B requires any compensatory services. For Student B, the District will ensure that the educational team is a team of persons knowledgeable about the Student B, the evaluation data, and the placement options including Student B'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 Student B'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 Paragraphs 7, including a copy of the letter sent to the Complainant regarding Student B, a copy of any response from the Complainant regarding Student B, any meeting minutes, a copy of any educational plan developed for the Student B, documentation of any input provided by Student B's parents and showing that procedural safeguards were provided to them, and any other documentation

¹ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an IBP/educational team that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the IBP/educational teams described in provisions 6 and 7 propose compensatory services or remedial actions *and* those actions are clearly insufficient to provide equitable relief to the Students, 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.

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.

8. After OCR has reviewed and accepted the determinations of the educational teams, 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. §§ 104.4 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.

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. §§ 104.4, 104.7-104.8, and 104.33-104.35 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.

For Hondo Valley School District:

Marvin L. Martin

8-23-14
Date