

RESOLUTION AGREEMENT
Dolores School District RE-4A
Case Number 08-16-1395

In order to resolve the allegations in case number 08-16-1395, filed against the Dolores School District RE-4A (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District voluntarily 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.

During the investigation, before OCR made findings, the District indicated its willingness to ensure compliance with Section 504 and Title II. The Agreement requirements are aligned with the identified issues and consistent with Section 504's and Title II's regulatory requirements. 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 revise its policies regarding the use of restraint and seclusion in District schools, giving consideration to the U.S. Department of Education's resource document on this topic.¹ The District will ensure that its restraint and seclusion policies are equitable to students with disabilities and that appropriate records are maintained regarding restraint and seclusion incidents.

REPORTING REQUIREMENT: By February 15, 2017, the District will provide OCR with the proposed District policies regarding the use of restraint and seclusion, for OCR's review and approval. Within 45 days of OCR's approval of the District's policies, the District will submit documentation indicating that the approved revised policies have been officially adopted by the District and demonstrate that the policies have been disseminated using its standard methods for disseminating new information that is important to students, parents/guardians, employees, and other members of the public.

2. The District will consider and respond to any feedback from OCR with respect to the policies developed pursuant to Paragraph 1 above. After obtaining OCR's approval, the District will disseminate the new policies to all certificated staff in the District and to any support staff that would have responsibility supervising students with disabilities or for carrying out the restraint and seclusion policies.

REPORTING REQUIREMENT: Within 60 days of the date the District

¹ "Restraint and Seclusion: Resource Document" is available at www.ed.gov/policy/rcstraintseclusion.

adopts the policies identified in Paragraph 1, the District will provide OCR with a description of how the new policies were disseminated to staff members, and documentation showing that the policies were disseminated to those required to receive them.

3. The District will provide training on the new policies to all staff who are responsible for implementing the policies identified in Paragraph 1, as well as to all staff members who are responsible for developing IEPs and Section 504 plans for students in the District. The training will include information about:
 - the requirements of Section 504, including the provision of FAPE and the prohibition on disparate treatment;
 - the District's policies on the use of restraint and seclusion;
 - the appropriate use of restraint and seclusion techniques.

X-Paragraph redacted-X

REPORTING REQUIREMENT: Within 30 days of the date the District adopts the policies identified in Paragraph 1, the District will submit to OCR the training materials and credentials of the trainer to OCR for review and approval. Within 90 days of the date OCR approves the training materials and the trainer, the District will provide OCR with documentation demonstrating implementation of the training for required staff, including documentation that the required staff completed the training, and a copy of the training materials.

4. The District will hold an IEP team meeting for the student to consider the appropriateness of compensatory services for the inappropriate use of restraint and seclusion and placing the Student with an aide instead of a teacher more frequently than non-disabled peers. The District will ensure that the IEP team meeting is a team of persons knowledgeable about the Student. The District will take reasonable steps to obtain parental participation in the meeting, including communicating through multiple methods (phone, writing, email) and ensuring that the meeting is held at a time and place convenient to the parents. After such reasonable attempts, the District may hold the meeting without the parents. The District will provide the student's parents with 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.

REPORTING REQUIREMENT: By June 1, 2017, the District will submit to OCR documentation showing implementation of Paragraph 4, including a copy of any meeting minutes, meeting notices, 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 4. If the parents do not participate in the meeting, the District will provide documentation of all efforts to obtain the parents' participation. 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.

5. After OCR has completed its review of the documentation provided pursuant to Paragraph 4, if the IEP team determined that the Student is entitled to compensatory services, the District will take steps to provide services.

REPORTING REQUIREMENT: Within 90 days of the date OCR completes its review pursuant to Paragraph 4, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s) and will provide OCR documentation demonstrating that it has provided all of the education or services.

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 and Title II of the Americans with Disabilities Act, 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 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 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.

For Dolores School District:

/s/

Dr. Scott Cooper
Superintendent

Date