

## RESOLUTION AGREEMENT

### Pueblo 70 School District and XXXX Case Number 08-17-1217

In order to resolve the open allegations in Case No. 08-17-1217, filed against Pueblo 70 School District (District) at XXXX (Charter) (together, the Recipients) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-65, and its implementing regulation at 28 C.F.R. part 35, the Charter agrees to take the actions outlined in this Resolution Agreement. The Recipients' decision to enter into this agreement is not an admission of liability or wrongdoing, nor shall it be construed as such.

1. The Charter will revise its public and internal admission and enrollment recruitment materials<sup>1</sup>, including but not limited to information on its website and information provided to prospective or current applicants relating to its admissions and lottery systems, to include a notice of nondiscrimination in accordance with 34 C.F.R. § 104.8.

The revised language will include:

- a. A statement that the Charter does not discriminate on the basis of disability in admissions and enrollment;
- b. The name, title, and contact information for the Charter's Section 504/Title II Coordinator;
- c. The name, title, and contact information for an individual whom parents may contact if they suspect disability discrimination in admissions and enrollment, if different from the Section 504/Title II Coordinator; and
- d. Information about and contact information for the U.S. Department of Education's Office for Civil Rights.

**REPORTING REQUIREMENT:** By September 30, 2017, the Charter will provide to OCR, for OCR's approval, the revised materials that include the notice of nondiscrimination. The Charter will fully and promptly address any comments by OCR and will continue to modify the materials until it receives final OCR approval.

2. Within 30 calendar days of OCR's approval of the materials, the Charter will publish the materials, including on the Charter's website and in other publications used by the Charter.

**REPORTING REQUIREMENT:** Within 60 calendar days of OCR's approval of the materials, the Charter will provide OCR (1) a copy of the materials, and (2) documentation of its actions to publish the materials, including a list of locations (including the internet) where the materials are published.

---

<sup>1</sup> Such materials include but are not limited to information on charter school websites and information provided to prospective or current applicants relating to its charter school admissions and lottery systems.

3. The Charter will revise all public and internal admission and enrollment application and admission materials to remove all pre-admission inquiries as to disability, including but not limited to whether the student-applicant has a disability, an individualized education program (IEP), or a Section 504 plan.

**REPORTING REQUIREMENT:** By September 30, 2017, the Charter will provide OCR, for OCR's approval, the revised materials. The Charter will fully and promptly address any comments by OCR and will continue to modify the materials until it receives final OCR approval.

4. Within 30 calendar days of OCR's approval of the materials, the Charter will implement and publish the materials, including on the Charter's website and in other publications used by the Charter.

**REPORTING REQUIREMENT:** Within 60 calendar days of OCR's approval of the materials, the Charter will provide OCR (1) a copy of the materials, and (2) documentation of its actions to implement and publish the materials, including a list of locations (including the internet) where the materials are published.

5. The Charter will complete a review of open enrollment applicants for the 2016-2017 school year. The purpose of this review will be to identify all student(s) with a disability who, for disability-related reasons, (1) were denied enrollment; (2) were determined ineligible; (3) waived special education or other disability-related services to attempt to or actually gain enrollment; or (4) were otherwise denied the opportunity to participate in, afforded an unequal opportunity to participate in, or otherwise limited in the enjoyment of the Charter. For every student the Charter identifies, the Charter shall notify the parent(s)<sup>2</sup> as provided in Term 7.

**REPORTING REQUIREMENT:** By September 30, 2017, the Charter will provide to OCR, for OCR's approval, the following information:

- a. For each student with a disability who applied for open enrollment for the 2016-2017 school year: (1) the applicant's first and last name; (2) the applicant's area(s) of eligibility, if known; (3) the name of each school and grade to which the applicant applied; (4) the disposition of the application (including whether admitted or denied and the date of each admission or denial); and (5) whether the applicant's IEP or Section 504 Plan is still in effect<sup>3</sup>.
- b. For each applicant who was denied: (1) who made the decision to deny; (2) the name of the school where the applicant enrolled instead, if known; and (3) an explanation of the reason(s) for the denial, including a copy of all communications with the applicant's parent(s).

---

<sup>2</sup> "Parent," as used in this Agreement, is defined as it is in 34 C.F.R. § 300.30.

<sup>3</sup> For any applicant admitted and whose IEP or Section 504 Plan is no longer in effect, OCR may request additional information in the monitoring of this agreement, including but not limited to an explanation of the reason(s) why the IEP or Section 504 Plan is no longer in effect and a copy of all communications with his/her parent(s).

- c. The Charter's determination as to which, if any, of the students with disabilities (1) were denied enrollment; (2) were determined ineligible; (3) waived special education or other disability-related services to attempt to or actually gain enrollment; or (4) were otherwise denied the opportunity to participate in, afforded an unequal opportunity to participate in, or otherwise limited in the enjoyment of the Charter.

The Charter will fully and promptly address any comments by OCR and will continue to provide information to OCR until the Charter receives final OCR approval.

6. For all students identified pursuant to Term 5 (*i.e.*, as approved by OCR), the Charter will prioritize such students in enrollment for any remaining seats that open for the 2017-2018 school year, and the full 2018-2019 and 2019-2020 school years. The Charter will prioritize such students, in order of their application date, over any other applicants not already given priority.

**REPORTING REQUIREMENT:** Reporting of this Term shall be pursuant to Term 10.

7. For all students identified pursuant to Term 5 (*i.e.*, as approved by OCR), the Charter will provide a letter to the student's parent(s) explaining that the Charter (1) has identified them as an applicant who was denied enrollment at the Charter for disability-related reasons, identifying the school(s) and school year(s) for which they were denied; (2) is making changes to its admission and enrollment program related to students with disabilities, including prioritization of such applicants in admission and enrollment to its charter schools through the 2019-2020 school years; and (3) invites them to reapply for the 2017-2018 school year and any future year when open enrollment is offered. The letter will also invite the parent(s) to contact the Charter and/or the District if the parent(s) have questions or concerns about the previous or the revised admission and enrollment program.

**REPORTING REQUIREMENT:** By September 30, 2017, the Charter will submit, for OCR approval, the Charter's draft letter. The Charter will fully and promptly address any comments by OCR and will continue to modify the letter until it receives final OCR approval.

8. Within 30 calendar days of OCR's approval of the list of students identified pursuant to Term 5 (*i.e.*, as approved by OCR) and the letter written pursuant to Term 7, whichever is later, the Charter will send this letter.

**REPORTING REQUIREMENT:** Within 30 calendar days of the applicable OCR approval, the Charter will provide OCR (1) a copy of the letter, (2) a list of recipients of the letter (which shall comport with students identified pursuant to Term 5 (*i.e.*, as approved by OCR)), and (3) documentation that the letter was sent.

9. The Charter will create a statement for posting on its website, explaining that the Charter is making changes to its admissions program. The statement shall also explain that the charter is reviewing applications for the 2016-2017 school year to identify if any

students with disabilities were improperly denied, taking remedial action if necessary, and therefore parents may contact the Charter if they have concerns about their application.

**REPORTING REQUIREMENT:** By September 30, 2017, the Charter will provide, for OCR approval, the Charter's draft website statement. The Charter will fully and promptly address any comments by OCR and will continue to modify the statement until it receives final OCR approval.

10. The Charter will provide OCR documentation demonstrating compliance with its revised and approved admissions and enrollment policies and procedures, including prioritization pursuant to Term 6.

**REPORTING REQUIREMENT:** By September 30, 2017, and every year thereafter until September 30, 2020, the Charter will provide OCR with documentation of the number of open seats that were filled through open enrollment and a list of all students by name who applied through the Charter's open enrollment program up to that point in each respective school year. For each student, the Charter will indicate (1) the school applied to; (2) the grade applied for; (3) whether the student has a disability, if known, and if so, the student's area(s) of eligibility, if known; (4) whether the application was denied or accepted; (5) the date the application was submitted; (6) the date the application was denied or accepted; (7) the date the Charter notified the applicant of the acceptance or denial; and (8) for any denials, an explanation of the reason for the denial and an explanation of where the student enrolled, if known.

11. The Charter will train its staff and any administrators involved in admissions and enrollment about disability discrimination, including, at a minimum: (1) prohibited different treatment of students with disabilities in admissions and enrollment, including training on how staff will properly respond to oral and written inquiries from parents regarding the Charter's willingness or ability to admit and serve students with disabilities; (2) procedural requirements for the placement of students with disabilities, including for changes to students' Section 504 plans and IEPs; and (3) the Charter's obligation to provide a FAPE to each student with a disability who is in the Charter's jurisdiction, including implementing their Section 504 plans and IEPs.

**REPORTING REQUIREMENT A:** By September 30, 2017, the Charter will provide to OCR, for OCR's approval, its draft training materials; identify who will be providing the training, by name, title, and qualifications; and roster of all staff; and a list of personnel required to participate in the training, by name and title. The Charter will fully and promptly address any comments by OCR and will continue to modify the training materials and trainer until it receives final OCR approval.

**REPORTING REQUIREMENT B:** Within 60 days of OCR's approval, the Charter will provide to OCR: (1) the date, time, and location of the training; (2) confirmation that the approved trainer(s) delivered the training; (3) the agenda and materials from the training; (4) the names and titles of all staff who attended the training; and (5) the names

and titles of all staff who did not attend the training, and an explanation for each person's absence.

The Recipients understand and acknowledge 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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will give the Recipients written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Recipients understand that by signing this Agreement, they agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Recipients understand that, during the monitoring of this Agreement, if necessary, OCR may visit the Recipients, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Recipients have fulfilled the terms of this Agreement and are in compliance with Section 504, and its implementing regulation at 34 C.F.R. Section 104.4, and Title II, and its implementing regulation at 28 C.F.R. Section 35.149. Upon completion of the obligations under this Agreement, OCR will close this case.

\_\_\_\_\_/s/\_\_\_\_\_  
For XXXX

\_\_\_\_\_/8/25/17\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
For Pueblo 70 School District

\_\_\_\_\_/8/25/17\_\_\_\_\_  
Date