

Voluntary Resolution Agreement
Gallup McKinley County Public Schools
OCR Case Number 08-17-1302

OCR and the Gallup McKinley County Public Schools (District) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 Code of Federal Regulations Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

REQUIRED ACTIONS:

1. The District will compile and review data to determine if students with disabilities were negatively impacted due to changes made to their Individual Education Programs (IEPs) regarding accommodations for Spring 2017 PARCC testing (specifically calculators for the non-calculator portion of the math assessment, and text to speech for the English Language Arts assessment). If any students are identified as having been negatively impacted, the District will ensure the negative impact is addressed and remediated.

REPORTING REQUIREMENT: By June 1, 2018, the District will provide OCR documentation demonstrating it has compiled and reviewed the data, and has addressed and remediated any identified negative impacts on students.

2. During the course of the 2017-18 school year, and prior to the Spring 2018 PARCC testing period, the District will ensure that the PARCC accommodations (specifically calculators for the non-calculator portion of the math assessment, and text to speech for the English Language Arts assessment) for each student are reviewed by the IEP team in an IEP meeting (to include the parent/guardian), and will ensure each determination as to whether a student should receive accommodations for PARCC testing is made based on the student's individualized needs.

REPORTING REQUIREMENT: By June 1, 2018, the District will provide OCR documentation demonstrating that it has conducted the reviews of the PARCC accommodations for each student in an IEP team meeting, which will include the Prior Written Notice and pertinent pages from the IEP for each student.

3. The District will coordinate with the Assessment Coordinator for the New Mexico Public Education Department for all pertinent District personnel to receive training on NMPED's requirements for the provision of accommodations to students with disabilities for PARCC testing (specifically calculators for the non-calculator portion of the math assessment, and text to speech for the English Language Arts assessment).

REPORTING REQUIREMENT: By February 1, 2018, the District will provide documentation demonstrating it has complied with this term of the Agreement. The documentation will include all communications with the NMPED Assessment Coordinator, the dates of the training, the training materials, and a list of personnel who received the training.

ADDITIONAL ACKNOWLEDGEMENTS:

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.33-104.36 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

/s/

12/20/2017

For the District

Date