

RESOLUTION AGREEMENT

St. Vrain School District OCR Case Number 08-17-1511

The U.S. Department of Education, Office for Civil Rights (OCR) and the St. Vrain School District (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 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 C.F.R. 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. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

- 1) The District will display a notice (Notice) on its website, in particular on the APEX Homeschool Enrichment Program home-page. The Notice shall:
 - i. Explain that the District, including the APEX program, does not discriminate on the basis of disability in enrollment;
 - ii. Explain that the APEX enrollment process affords students with disabilities an equal opportunity for participation;
 - iii. Explain that for any qualified student with a disability who wishes to apply to the program, APEX will engage in an individualized inquiry regarding the disabled student's needs, and that the individualized inquiry will involve the student's parents/guardians
 - iv. Explain that the individualized inquiry will be conducted to determine if and how the program may support the student to ensure an equal opportunity for the qualified student with disabilities to participate; and
 - v. Provide the contact information for the District's appropriate compliance officer or complaint procedures.

REPORTING REQUIREMENT

Within 30 calendar days of the date of this Agreement, the District will provide OCR with the links to the web-pages containing the Notice.

- 2) APEX shall submit to OCR for its review and approval, procedures (Procedures) to ensure that the enrollment process that the APEX Homeschool Enrichment Program offers is conducted in a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. Additionally, the Procedures shall state the APEX's obligation to conduct an individualized inquiry regarding the needs of student with disabilities, and the District's obligation to involve the student's parents/ guardians in the process.

REPORTING REQUIREMENT

Within 60 days of the date of this Agreement, the District will submit to OCR the Procedures for OCR's review.

Following written notification from OCR that the Procedures are approved, the APEX will adopt and implement the Procedures.

REPORTING REQUIREMENT

Within 21 calendar days following written notification from OCR that the Procedures are approved, the District will provide OCR with a copy of the Procedures as published and implemented, a statement confirming its publication and implementation of the Procedures, and a description of the location/s of the Procedures as published, including the link to the online posting of the Procedures.

- 3) The School will train its staff and any administrators involved in teaching or supervising students about disability discrimination, including, at a minimum: (1) the APEX's revised enrollment policies and procedures; and (2) the requirements of the Section 504 regulation at 34 C.F.R. §104.37 regarding the provision of access to APEX to students with disabilities in a non-discriminatory manner.

REPORTING REQUIREMENTS

Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for approval draft materials (e.g. power-points, handouts, agenda) to train all School staff and administrators involved in teaching or supervising students. The submission will also include the name(s), title(s) or position(s), and qualifications of one or more qualified individuals to provide the training to staff.

The School will provide the training in August 2018.

Within thirty (30) calendar days of the training being provided, the School will provide to OCR:

- i. The date, time, and location of the training;
 - ii. Confirmation that the approved trainer delivered the training;
 - iii. Final agenda and materials from the training;
 - iv. The names and titles of all staff who attended the training; and
 - v. The names and titles of all staff who were required to attend the training, but did not attend, and an explanation of when and how these individuals will receive the required training.
- 4) Within 70 calendar days of this Agreement being signed, assuming OCR has approved the APEX Procedures identified in term 2, the School will send a letter to the Complainant;

- i) The letter will invite the family to attend a meeting to address the individualized needs of the student consistent with the Procedure developed under term 2.
- ii) The letter will include a link to the Notice developed in term one of this Agreement.

REPORTING REQUIREMENT

Within 70 calendar days of this Agreement being signed, assuming OCR has approved the Procedure identified in term 2, the District will submit to OCR a copy of the letter sent to the Complainant.

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 and Title II, 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 School 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 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 the regulations implementing Section 504, 34 C.F.R. §104.4 and 34 C.F.R. §104.37, and Title II, at 28 C.F.R. §35.130(a) which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

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

_____/S/
St Vrain School District

3/23/18
Date