

**Resolution Agreement
Mountain West Montessori Academy
Complaint Number 08-17-1514**

In order to resolve the open allegations in Case Number 08-17-1514, filed against Mountain West Montessori Academy (School) with the Office for Civil Rights (OCR) of the U.S. Department of Education, 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 School agrees to implement the following Resolution Agreement. The School’s decision to enter into this agreement is voluntary and not an admission of liability or wrongdoing, nor shall it be construed as such.

Policies and Procedures

1. Within sixty (60) days of this Agreement being signed, the School will revise its notice of nondiscrimination in accordance with 34 C.F.R. § 104.8. The revised language will include:
 - a. A statement that the School does not discriminate on the basis of disability in any of its programs or activities;
 - b. The name, title, and contact information for the School’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 REQUIREMENTS:

Within 60 days of this Agreement being signed, the School will provide to OCR, for OCR’s approval, the revised materials that include the notice of nondiscrimination. The School will fully and promptly address any comments by OCR and will continue to modify the materials until it receives final OCR approval.

Within thirty (30) calendar days of receiving OCR’s final approval of the policy notice, the School will:

- i. Add the notice to the School’s special education website; and
- ii. Add the notice to the School’s policies website.

Within forty-five (45) calendar days of receiving OCR’s final approval of the materials, the School will provide OCR with documentation (*e.g.*, board meeting minutes, emails, or screenshots) showing that it published the policy as described above.

2. Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR for approval a new policy or regulation regarding the participation of students with disabilities in field trips. The policy or regulation will include:
 - a. A statement that the School provides non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity to participate in such services and activities;
 - b. A statement that the School provides non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an opportunity to participate, to the maximum extent appropriate, in such services and activities with students without disabilities;
 - c. A statement that students' individualized education programs (IEPs) and Section 504 plans are in effect for field trips; and
 - d. A statement of how parents and guardians may file complaints with OCR if they believe their student with a disability was discriminated against with respect to a field trip.

REPORTING REQUIREMENTS:

Within 60 days of this Agreement being signed, the School will provide to OCR, for OCR's approval, the revised materials that include the new policy or regulation. The School will fully and promptly address any comments by OCR and will continue to modify the materials until it receives final OCR approval.

Within thirty (30) calendar days of receiving OCR's final approval of the policy or regulation, the School will:

- i. Adopt the policy or regulation;
- ii. Disseminate the policy or regulation to all of the School's Special Education Department staff, principals, assistant principals, special education chairs or coordinators, nurses, and special education teachers;
- iii. Add the policy or regulation to the School's handbook; and
- iv. Add the policy or regulation to the School's policies website.

Within forty-five (45) calendar days of receiving OCR's final approval of the policy or regulation, the School will provide OCR with documentation (*e.g.*, board meeting minutes, emails, or screenshots) showing that it published the policy or regulation as described in Reporting Requirements 2.i-2.iv above.

Training

3. The School will train its staff and any administrators involved in teaching or supervising students about disability discrimination, including, at a minimum: (1) prohibited different treatment of students with disabilities; and (2) the requirements of the Section 504 regulation at 34 C.F.R. §104.37 regarding the provision of non-academic and extra-curricular activities 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.

Within sixty (60) calendar days of receiving OCR's final approval of the materials and trainer(s), the School will provide the training.

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.

Individual Remedies

4. Within thirty (30) calendar days of this Agreement being signed, the School will convene a team meeting to review Student A's individualized education program (IEP) to determine what modifications, if any, are necessary to enable Student A to participate in non-academic and extra-curricular activities, including the School's camp, to the maximum extent appropriate. The School shall follow the procedural requirements of the Section 504 regulation at 34 C.F.R. §§104.35-37 in reviewing the IEP. In addition, the IEP team shall consider whether to provide Student A with any compensatory services (e.g. counseling, inclusion in additional extra-curricular activities, etc.) because of Student A's experience at the 2017-18 School camp.

REPORTING REQUIREMENT: Within sixty (60) calendar days of this Agreement being signed, the School will submit to OCR all documentation related to the IEP meeting described in this item, including but not limited to: a narrative summary of the meeting, including a summary of modifications that were considered and reasons for the adoption or rejection of each considered modification, all meeting notes, all medical and other documentation considered by the team, a copy of the School's procedural safeguards (including documentation that the safeguards were provided to the Complainant), and a plan to provide compensatory services, if any, to Student A.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School 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 School 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 School understands that during the monitoring of the Agreement, if necessary, OCR may visit the School, interview employees and students of the School, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The School 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.

For Mountain West Montessori School:

XXXXXXXXXX, School Director

Date