

RESOLUTION AGREEMENT
Weld County School District RE-5J
Case Number 08-18-1176

Weld County School District RE-5J (the District) enters into this agreement to resolve the allegations 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 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

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

1. After providing proper written notice to the Student's parents, the District will convene an Individual Education Program (IEP) team meeting to determine the appropriate compensatory and/or remedial services for the Student as a result any services that were not provided to the Student from August 17 to August 30, 2017. The District may hold a separate IEP meeting to make this determination, or it may include this determination in the Student's next regularly scheduled IEP team meeting.

Based upon the team's findings, the District will determine the type and number of hours of compensatory and/or remedial services the Student is entitled to and develop a plan for providing those services to the Student within six months. In addition to providing the Student's parent with notice of the procedural safeguards, including the right to challenge the Team's determination through an impartial due process hearing, the District will promptly notify the Complainant in writing of the compensatory services being offered at no cost and the proposed initiation date of such services.

The District will ensure that the IEP meeting is procedurally consistent with the requirements of 34 C.F.R. §§ 104.35 and 36.

REPORTING REQUIREMENT A: By October 15, 2018, the District will complete the meeting to determine the compensatory and or remedial services owed. By that same date, the District will submit documentation to OCR that includes:

- A list of the individuals who attended the meeting by name, title, and role in the meeting;
- Documentation of the District's invitation to the Complainant to attend the meeting and obtain her input;
- A copy of the summary of information the team considered in reaching its determination regarding what compensatory services are appropriate for the Student;
- Notes from the meeting documenting that the team carefully considered input from persons knowledgeable about the Student;

- Documentation of the Team’s decisions regarding the type and number of hours of compensatory services that are appropriate for the Student and the basis for those decisions;
- A plan for the prompt provision of compensatory services to the Student at no cost to the Complainant;
- Documentation that the Complainant was notified in writing of the compensatory services offered by the District; and
- Documentation that the District provided the Complainant with notice of her and the Student’s rights and applicable procedural safeguards under Section 504.

REPORTING REQUIREMENT B: Within six (6) months of the meeting, the District will submit documentation to OCR demonstrating that all of the compensatory services determined by the team are being provided to the Student, or are completed.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 and Title II at 34 C.F.R. §104.11; and 28 C.F.R. § 35.130(a). 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.

For Weld County School District RE-5J:

/s/

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Name	Title	Date
Leslie Arnold	Superintendent	7/19/18