

RESOLUTION AGREEMENT

Creighton School Elementary District No. 14 OCR Case Number 08-18-1313

In order to resolve allegations in the complaint filed against the Creighton School Elementary District No. 14 (District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case investigation was initiated pursuant to Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. § 100.3; Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. §§ 104.7, 104.33-104.35; and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.107 and 35.130.

1. The District will hold separate individual educational team meetings for each of the two Students and determine whether the Students should be evaluated for services related to a disability, including emotional disability.¹ The District will ensure that the IEP team is a team of persons knowledgeable about the Student (including the Students' parents), available data, and the placement options. During these meetings, the District will provide the Students' parents with meaningful communication in a language they can understand, a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

REPORTING REQUIREMENT:

- By November 15, 2018, the District will provide meeting minutes, a copy of any determinations for each student, and documentation showing that procedural safeguards were provided to the Students' parents in a language they understand, and any other documentation relevant to the determinations reached in accordance with this Paragraph. Should the educational team determine that no evaluations are necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.35 and 104.36, in making these determinations, and notify the District when it has completed this review.
2. The District will take steps to timely implement the determinations, if any, agreed upon by the educational team. OCR will ensure the District has followed the procedural requirements of Section 504 and Title II regarding evaluation and placement decisions

¹ Except in extraordinary circumstances, OCR does not typically substitute its judgment for the decisions made by an educational team that is properly constituted and that takes appropriate actions in light of the requirements of due process. In the event that the educational teams described in provisions 1 and 2 propose compensatory services or remedial actions *and* those actions are clearly insufficient to provide equitable relief to the Students, OCR will notify the District of its concerns, and the District will consider and respond to any feedback from OCR with respect to the proposed compensatory services or remedial measures.

REPORTING REQUIREMENT:

- The District will provide documentation that it has timely taken steps consistent with the teams' determinations. The reporting date will be determined based on the successful completion of Agreement Term 1.
3. Notice of Section 504/Title II Coordinator and Notice of Non-Discrimination: The District will review and revise its notice of nondiscrimination and notice of its Section 504/Title II compliance officer, so that the notices are compliant with Section 504 and Title II of the ADA. See 34 C.F.R. §§ 104.7(a) and 104.8 and 28 C.F.R. § 35.106.

REPORTING REQUIREMENTS:

- By September 14, 2018, the District will submit to OCR for review and approval the District's draft notice of non-discrimination and draft notice of its Section 504/Title II compliance officer.
 - Within 60 days of OCR's approval of the notices of nondiscrimination and Section 504/Title II compliance officer, the District will adopt and publish by sending a copy of the approved notices to all staff and parents and publishing on its website. The District can use emails and newsletters to inform staff and parents.
 - Within 60 days of the publication of the OCR's approved notices, the District will provide OCR with supporting documentation to show the approved notices were adopted and notice given. Supporting documentation will include 1) weblinks to each place where the notice of Section 504/Title II coordinator and notice of non-discrimination are posted on the District's website, 2) student handbooks (for 2018-19 school year as available on the District's website), or 3) other similar documents notifying students of the changes to the District's notice of the Section 504/Title II Coordinator and notice of non-discrimination.
4. The District will ensure the Parent has access to school-related information in a language she understands (Spanish) to allow meaningful access. The District will:
- A. Provide OCR a description of how the School(s)'s record keeping systems will clearly provide information to District staff that the parent requires communication in a language other than English since she is not listed as the primary parent in the District's computerized record keeping system.
 - B. Provide notice in writing and at a staff meeting to all of the Students' teachers, the School's administrations, and the classified staff at the Students' School(s)' on the District's process of when and how to provide the Parent with information in a language she understands (Spanish). The District will notify the personnel that access to information is to be accurately translated (written) or interpreted by qualified interpreters (oral) should include school-related activities that are called to the attention of other parents, such as, but not restricted to, discipline, progress reports, report cards and during parent-teacher conferences.

REPORTING REQUIREMENTS:

- By November 15, 2018, the District will submit the description required in 4A, the proposed notice required in 4B, and the information that will be shared at the staff meeting for 4B, for OCR review and approval.

- Within 60 calendar days of receiving OCR’s approval, the District will implement the notice and discussion at the staff meeting as required in 4B and submit documentation to OCR demonstrating this implementation (a copy of the sent email and staff meeting agenda). Please include a copy of the notice sent, and a list of individuals receiving the notice and at the staff meeting.
5. The District will review and revise its website to provide information on how parents can access information in a language the parent understands. Such revisions should include notice on its internal website on how to access the District’s board policies in a language other than English; and instructions on how to access information in the parent portal in a language other than English.

REPORTING REQUIREMENTS:

- By September 14, 2018, the District will submit its plan to revise the website to provide language assistance and required in Term 5.
- Within 60 calendar days of receiving OCR’s approval, the District will finalize and implement the Plan for its website and submit documentation to OCR demonstrating this implementation.

OCR will close the monitoring in of this Agreement once OCR has determined that the terms of this Agreement have been met. 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.

The District 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 District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees 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 regulation implementing Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. § 100.3; Section 504 of the Rehabilitation Act of 1973, and its implementing regulation at 34 C.F.R. §§ 104.7 and 104.8, 104.33-104.35, and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.107 and 35.130, which were at issue in this case.

For Creighton School District:

/s/ Donna Lewis

8/27/18

Superintendent

Date