

RESOLUTION AGREEMENT
Mesa County Valley School District 51
Case Number 08-18-1575

Mesa County Valley School District 51 (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. The District will review and revise its existing regulation regarding service animals to ensure that the regulation is consistent with the Section 504 and Title II regulations at 34 C.F.R. § 104.4; and 28 C.F.R. §§ 35.104, 35.130, and 35.136. The revised regulation will include a statement that individuals with disabilities, including students, shall be permitted to be accompanied by their service animals in all areas of a school's facilities where members of the public, participants in the services, programs or activities, or invitees, as relevant, are allowed to go.

REPORTING REQUIREMENT: By March 31, 2019, the District will submit to OCR, for review and approval, a copy of its revised service animal regulation.

2. The District will consider and respond to any feedback from OCR with respect to the revised regulation referenced in Item 1. After obtaining OCR's approval, the District will issue the revised regulation following Board of Education review as provided in Board Policy BGD, and publish it using its standard methods for disseminating new information that is important to students, parents/guardians, employees, and other members of the public. At a minimum, the revised regulation will be published by posting it on the District's website in the same manner and location that the District's other policies and regulations are posted, and an announcement regarding the revised regulation will be posted on the District's website.

REPORTING REQUIREMENT: Within 60 days of obtaining OCR's approval of the revised regulation, the District will provide OCR with documentation showing that the revised regulation has been officially issued and published.

3. The District will send an e-mail to all District staff notifying them that the District's service animal regulation has been revised and is posted on the District's website; is available in the main District office and in each school's front office, and provide links to the service animal regulation. The e-mail will include a reminder that individuals with

disabilities must be permitted to be accompanied by their service animals in all areas of a school's facilities where students and members of the public are allowed to go. The email will also include the name and contact information for individual designated to handle questions about the regulation, should staff have any questions.

REPORTING REQUIREMENT: Within 60 days of OCR's approval of the District's revised service animal regulation, the District will provide documentation to OCR establishing it has complied with Term 3, including a copy of the e-mail sent to District staff along with a distribution list of the recipients.

4. The District will notify the Complainant that it is revising its service animal regulation, and that he will have access to all District facilities, programs, and services, with his service animal, consistent with the requirements of Term 1 of the Agreement. The District will offer the Complainant the opportunity to meet with the school principal or appropriate District staff member to discuss any questions.

REPORTING REQUIREMENT: Within 30 days after this Agreement is signed, the District will provide documentation to OCR establishing that it has complied with Term 4, including a copy of any email or letter or other notice sent to the Complainant, and if the Complainant requests a meeting, notes from the meeting.

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. § 104.4; and 28 C.F.R. §§ 35.104, 35.130, and 35.136. 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 Mesa County Valley School District 51:

/s/

2/13/2019

Dr. Diana Sirko, Superintendent

Date