

**RESOLUTION AGREEMENT**  
**Bullhead City Elementary School District**  
**Case Number 08-18-1607**

Bullhead City Elementary School District (the District) enters into this agreement to resolve an 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 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.

This Agreement addresses OCR's finding that the District failed to follow the evaluation and placement requirements of Section 504 before making a significant change in the student's placement. The District agrees to take the following actions.

1. The District will provide training on the requirements of Section 504 to all certificated special education staff, the principal, and the assistant principal at XXXX School. The training will include an explanation of the District's obligations under 34 C.F.R. § 104.35 with respect to evaluation and placement of students with disabilities, along with instructions for identifying a potential significant change in placement.

**REPORTING REQUIREMENT 1:**

By June 14, 2019, the District will submit to OCR for review and approval the proposed training materials, along with the name and credentials of the training provider. Within 60 days of the date OCR approves the training materials, the District will provide OCR documentation demonstrating completion of the training for the required staff, including a copy of the training materials; dates of training sessions; a list of persons who presented and attended the sessions, by title.

2. After providing proper written notice to the student's parents, the District will convene an Individual Education Program (IEP) team meeting to determine the whether the student experienced educational harm as a result of the change in placement from inclusion Science and Social Studies classes, to one-on-one instruction with an aide during the fall semester of the 2018-19 school year. If the team determines that the student experienced educational harm, the team will develop a plan to provide appropriate compensatory and/or remedial 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 2A:**

By June 14, 2019, the District will complete the meeting regarding compensatory services. 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 compensatory services 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, if applicable;
- A plan for the prompt provision of compensatory services to the student at no cost to the complainant, if applicable;
- Documentation that the complainant was notified in writing of the compensatory services offered by the district, if applicable; 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 2B:**

Within six months of the meeting, the District will submit documentation to OCR demonstrating that all of the compensatory services determined by the team, if any, 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 Bullhead City Elementary School District:

/s/

3/14/19

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Mr. Benje Hookstra, Superintendent

Date