

RESOLUTION AGREEMENT

**Lewis-Palmer School District 38
Monument Academy
OCR Case Number 08-19-1021**

A. Recitals:

1. Lewis-Palmer School District 38 (“District”) and Monument Academy (“School”) enter into this Agreement with the Office for Civil Rights (OCR) to resolve an allegation in the above-referenced complaint (Case No. 08-19-1021).

B. Agreement:

1. This Agreement does not constitute an admission of facts, liability, non-compliance, or wrongdoing by the District or School (collectively, the “Recipients”).
2. The Recipients assure the OCR that they will take the following actions to comply with this Agreement and the requirements of Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended, 29 United States Code (U.S.C.) Section 794, and its implementing regulations, at 34 Code of Federal Regulations (C.F.R.) Part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. Section 12131 *et seq.*, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.
3. Upon completion of the obligations under this Agreement, OCR will close Case No. 08-19-1021.

C. Obligations:

1. **Training:** The School will train pertinent staff of the School’s legal obligation to provide a copy of the Section 504 procedural safeguards to parents and guardians with respect to actions regarding the identification, evaluation, or educational placement of students who are, or who are suspected of being, students with disabilities under Section 504.
2. **Memo Approval and Dissemination Requirements:**
 - i. Within thirty (30) calendar days of this Agreement being signed, the School will submit to OCR for review a draft memo to be sent to all the School’s administrators and exceptional student services (ESS) staff. The memo will include, at a minimum, a description of:
 1. what must be included in a notice of procedural safeguards;
 2. who must be provided with a copy of procedural safeguards;
 3. when a copy of procedural safeguards must be provided;
 4. where staff may find a copy of the School’s procedural safeguards;
 5. how staff may provide parents and guardians with a copy of procedural safeguards; and
 6. the School’s obligations to provide procedural safeguards pursuant to Section 504
 - ii. The School will promptly and fully address OCR’s feedback, if any, until the School receives OCR’s final approval of the memo.
 - iii. Within twenty (20) calendar days of receiving OCR’s final approval of the memo, the School will:

1. disseminate the approved memo to all of the School's administrators and ESS staff; and
2. submit to OCR documentation showing that it disseminated the memo as required.¹

D. Other:

1. The Recipients understand and acknowledge 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. Sections 100.9-10), or judicial proceedings to enforce this Agreement, OCR will give the Recipients written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.
2. The Recipients understand that by signing this Agreement, they agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement.
3. The Recipients understand that, during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Recipients have fulfilled the terms of this Agreement and are compliant with Section 504, Title II, and their implementing regulations.

For the District:

/s/ _____
Karen Brofft, Superintendent, Lewis-Palmer School District

1/4/19 _____
Date

For the School:

/s/ _____
Don Griffin, Executive Director, School

1/7/19 _____
Date

¹ *e.g.*, an email showing the recipients and attachment(s), or a document with signatures from staff attesting to their receipt of the memo