

**RESOLUTION AGREEMENT**  
**Goshen County School District**  
**Case Number 08-19-1104**

Goshen County 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.

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, the District agrees to take the following actions.

1. The District will provide training on the requirements of Section 504. The training will specifically include an explanation of the District's obligation 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 changes in placement; the District's responsibility to timely identify and evaluate students who may be in need of special education or related services pursuant to the Section 504 regulation; and the District's obligations with regard to discipline involving students with disabilities. The training will be provided, at minimum, to the XXX School Principal, Vice Principal, and Counselors; the District's Director of Special Services; the District's Section 504 Compliance Officer; and any other employees responsible for implementing Section 504 at XXXX School or at the District level.

**REPORTING REQUIREMENT 1:**

By June 28, 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 90 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 parent(s), the District will convene a meeting of the Student's Section 504 team to determine the whether the student experienced educational harm as a result of the time he was placed in alternative settings during the 2017-18 and 2018-19 school years. The District may arrange for an outside facilitator with knowledge and experience in dealing with Section 504 plans to help run the meeting and facilitate an agreement between the parties and otherwise offer suggestions or agreements. If the team determines that the student experienced educational harm or is otherwise educationally at risk, the team will develop a plan to provide appropriate compensatory or

other support services to the student as soon as practical and not later than six months after the meeting.

In addition to providing the student's parent(s) 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 any compensatory or other support services being offered at no cost and the proposed initiation date of such services.

The District will ensure that the Section 504 team meeting is procedurally consistent with the requirements of 34 C.F.R. §§ 104.35 and 36.

#### **REPORTING REQUIREMENT 2A:**

By June 28, 2019, the District will complete the meeting described in Term 2 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 or other support 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 or other support services that are appropriate for the student and the basis for those decisions, if applicable;
- A plan for the prompt provision of compensatory or other support services to the student at no cost to the complainant, if applicable;
- Documentation that the complainant was notified in writing of the compensatory or other support 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 or other support services determined by the team, if any, have been made available to the student. If any of the services have not been completed, the District will provide an explanation.

3. The District will develop a written credit recovery plan and graduation plan designed to enable the student to graduate from high school on time. The District may also develop alternative plans to allow the student additional time to complete the graduation requirements. The plan will indicate the specific courses the student needs to repeat and/or complete in order to graduate, and how and on what schedule the student may complete the required courses, credits, and other graduation requirements.

**REPORTING REQUIREMENT 3:**

By June 28, 2019, the District will submit a copy of the plan or plans to OCR, along with documentation that a copy of the plan or plans have also been provided to the complainant.

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. §104.35; 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 Goshen County School District:

/s/ \_\_\_\_\_ April 23, 2019  
Dr. Richard Patterson, Interim Superintendent                      Date