

**Resolution Agreement
Pueblo School District 60
Complaint Number 08-19-1238**

In order to resolve the open allegations in Case Number 08-19-1238, filed against the Pueblo School District 60 (District) with the Office for Civil Rights (OCR) of the U.S. Department of Education, pursuant to Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. part 104, and Title II of the Americans with Disabilities Act of 1990 (“Title II”), 42 U.S.C. §§ 12131–12134, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement.

The District agreed to resolve this complaint prior to the completion of OCR’s investigation pursuant to Section 302 of OCR’s *Case Processing Manual*. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

Supplementation of 2019 Exceptional Student Services (ESS) Action Plan

1. In addition to continued implementation of the 2019 ESS Action Plan (last revised in April 2022 and attached), developed by the District’s Executive Director of Exceptional Student Services and provided to OCR on January 25, 2021 and May 2, 2022, the District shall:
 - A. Implement objective benchmarks, to supplement ESS Action Focus H, that demonstrate measurable success with regard to the District’s effort to work within the Human Resources Department (1) to determine the staffing sufficient to meet the District’s ESS needs, including ESS teachers, ESS paraprofessionals, and ESS special service providers (e.g., speech language pathologists, occupational and physical therapists, and psychologists); and (2) to hire qualified staff to meet these needs. Specifically, the District will implement (1) a staffing matrix based on the number of students with IEPs and their level of need; and (2) the “HR Procedures for Hiring ESS Staff” process.
 - B. Implement specific procedures, to supplement ESS Action Focus A, to document and ensure that the District does not make placement decisions based on the availability of staff. Specifically, implement (1) a revised District checklist used at IEP meetings that includes a prompt to consider the individual needs of students not the availability of staff when identifying the services to be provided through the IEP; and (2) a system of auditing IEPs that includes a review of services as compared to individual student needs.

REPORTING REQUIREMENTS:

Within ninety (90) calendar days of this Agreement being signed, the District will submit to OCR evidence of implementation of the procedures in Term 1.A. and B. The District shall respond to OCR’s feedback, if any, within thirty (30) days of any such feedback until the District receives notice from OCR that no further reporting is required for Reporting Requirement 1.

Implementation of 2019 ESS Action Plan (as revised in April 2022)

2. The District will continue to implement the 2019 ESS Action Plan (as revised in April 2022), including the supplemental procedures described in Term 1, through the 2022-23 school year.

REPORTING REQUIREMENTS:

By June 30, 2023, the District shall provide OCR documentation necessary to show the District's ongoing implementation of the supplemental procedures described in Term 1. The District and will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 2.

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. Sections 100.9-10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that by signing this Agreement, the entity agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that, during the monitoring of this Agreement, if necessary, OCR may visit the District to 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 Section 504, and its implementing regulation, at 34 C.F.R. Part 104, and Title II, and its implementing regulation, at 28 C.F.R. Part 35.

The District acknowledges that OCR will not close the monitoring of this Agreement until OCR determines that the District is in compliance with the terms of the Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

This agreement will become effective upon the signature(s) of the representative for the District.

For Pueblo School District 60:

Charlotte Macaluso
Superintendent

Date