

**Resolution Agreement
Window Rock Unified School District #8
Complaint Number 08-19-1347**

In order to resolve the open allegations in Case Number 08-19-1347, filed against Window Rock Unified School District #8 (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. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the District agrees to implement the following Resolution Agreement.

This Agreement shall not in any way be construed as an admission by the District that it has acted wrongfully or violated any laws or that OCR made any finding of wrongdoing or legal violation, and the District specifically disclaims any liability to or wrongful acts against the Student or any other person.

Revision of Policies

1. Within thirty (30) calendar days of this Agreement being signed, the District will review and revise its policies and procedures related to the evaluation of students suspected to be in need of special education or related services. In revising the policies and procedures, the District shall not include any “cut off” date after which it will not process requests for evaluation. The revised policies and procedures shall comply with the requirements of the Section 504 regulation at 34 C.F.R. § 104.35.

REPORTING REQUIREMENTS:

The District will provide to OCR for review its draft revised policies and procedures. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the revised policies. Within ten (10) calendar days of receiving OCR’s final approval of the revised policies, the District will publish the revised policies on its website and distribute them to District staff and parents by email, and the District shall provide OCR documentation to demonstrate that it published and distributed the revised policies.

Individual Remedies

2. Within forty-five (45) calendar days of this Agreement being signed, the District will complete an evaluation of the Student. Within 15 calendar days after completing the evaluation, the District shall hold a team meeting, following the procedures set forth in the Section 504 regulation at 34 C.F.R. §§ 104.35 and 104.36 to determine the Student’s placement for the 2019-20 school year. In addition, the team shall determine what, if any, compensatory educational services are necessary to provide the Student with FAPE for any failure to timely evaluate and place the student during the 2018-19 school year.

REPORTING REQUIREMENT:

Within ten (10) calendar days of the conclusion of the team meeting, the District shall send OCR documentation of the results of the team meeting, including the meeting agenda and list of participants, all documentation considered at the meeting, all documentation provided to or by the Complainant, agreements made at the meeting, and determinations made by the team. For each determination made by the team, the District shall provide OCR all documentation necessary to support the determination and an explanation of the reasons for it and any objections to it. The District shall also provide documentation sufficient to show the manner in which any compensatory services, if any, were provided to the Student.

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

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview employees and students of the District, 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 regulation implementing Section 504 and Title II, which were at issue in this case. 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 Window Rock Unified School District #8:

/s/

9/12/2019

Dr. Leon Ben
Superintendent

Date