

**Resolution Agreement**  
**Colorado Springs School District 11**  
**OCR Case Number 08-19-1417**

The U. S. Department of Education, Office for Civil Rights (OCR) and Colorado Springs School District 11 (District) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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. Sections 12131 *et seq.*, and its implementing regulation 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.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**I. Compensatory Services.** The District agrees to provide the following, subject to OCR's approval:

- a. Two (2) hours per week of tutoring to the Student, for twenty (20) weeks --for a total of forty (40) hours of tutoring.
- b. The tutoring to be provided by a certified teacher or teachers.
- c. The tutoring will be in addition to the Student's school day and in addition to any supports or services provided by the Student's Individualized Education Program (IEP).
- d. A tutoring schedule that is mutually agreeable to the District and Complainant.
- e. A tutoring location that is mutually agreeable to the District and Complainant.

**REPORTING REQUIREMENT I(A):** By December 20, 2019, the District will submit to OCR the tutoring schedule, the location of the tutoring, and the name(s) of the tutor(s) it will use to provide the tutoring, along with the tutor's qualifications and certifications.

**REPORTING REQUIREMENT I(B):** Within thirty (30) calendar days of OCR's approval of the tutoring schedule and tutor(s) the District will submit to OCR documentation indicating that it has initiated the tutoring services pursuant to the approved tutoring schedule. Documentation for each tutoring session should include but not necessarily be limited to a sign-in sheet signed and dated by the approved tutor, Student, and Complainant, which indicates the date of the tutoring, the start and end times of the tutoring, and the location of the tutoring.

**REPORTING REQUIREMENT I(C):** By March 1, 2020, the District will submit to OCR documentation of the tutoring services provided thus far, pursuant to the approved tutoring schedule. Documentation for each tutoring session should include but not necessarily be limited to a sign-in sheet signed and dated by the approved tutor, Student, and Complainant, which indicates the date of the tutoring, the start and end times of the tutoring, and the location of the tutoring.

**REPORTING REQUIREMENT I(D):** By May 31, 2020, the District will submit to OCR documentation of the tutoring services provided thus far, pursuant to the approved tutoring schedule. Documentation for each tutoring session should include but not necessarily be limited to a sign-in sheet signed and dated

by the approved tutor, Student, and Complainant, which indicates the date of the tutoring, the start and end times of the tutoring, and the location of the tutoring.

**REPORTING REQUIREMENT I(E):** By August 1, 2020, the District will submit to OCR documentation of the tutoring services provided thus far, pursuant to the approved tutoring schedule. Documentation for each tutoring session should include but not necessarily be limited to a sign-in sheet signed and dated by the approved tutor, Student, and Complainant, which indicates the date of the tutoring, the start and end times of the tutoring, and the location of the tutoring.

**II. Homebound Procedures.** The District agrees to revise its Homebound Procedures for students with a Section 504 plan or IEP. After OCR's approval, the District will publish the revised Homebound Procedures on its public website and on any other platform the District uses to disseminate information to the District community (i.e. social media, newsletters, etc.). The revised Homebound Procedures will, at a minimum:

- a. Require that decisions regarding how homebound instruction is delivered will be made based on an individualized assessment of a student's needs.
- b. Require that an individualized assessment of a student's needs involve individuals knowledgeable about the student, including the student's parents or guardians.
- c. Specify how the delivery of homebound instruction will be coordinated with a student's classes, and in the case of a student with an IEP, how the delivery of homebound instruction will be coordinated with the delivery of specialized instruction and related services.
- d. Require that a student's failure to attend and/or participate in homebound instruction will lead to an individualized reassessment of the student's needs and if homebound instruction is still needed, an individualized reassessment of how homebound instruction will be delivered.

**REPORTING REQUIREMENT II(A):** By December 20, 2019, the District will submit to OCR the revised Homebound Procedures.

**REPORTING REQUIREMENT II(B):** Within sixty (60) calendar days of OCR's approval of the revised Homebound Procedures, the District will publish and implement the procedures and provide OCR with copies of all the publications and links to websites where the revised procedures appear.

**III. Staff Training.** The District agrees to provide training on the revised Homebound Procedures to all staff at XXXX (School), including the School's Section 504 coordinator, to ensure that they are aware of the District's obligations under Section 504 with regard to the placement of students with disabilities on homebound and provision of homebound services. The training will include the name and contact information of the District personnel designated to respond to questions regarding the revised procedures.

**REPORTING REQUIREMENT III(A):** Within fifteen (15) calendar days of OCR's approval of the revised policies and procedures, the District will submit to OCR for review and approval: draft materials to train staff and administrators at the School on the revised Homebound Procedures, with emphasis on (a) through (d) above; and the name(s), title(s) or position(s), and qualifications of one or more proposed individuals to provide the training to the School's staff and administrators.

**REPORTING REQUIREMENT III(B):** Within thirty (30) calendar days of receiving OCR’s final approval of the materials and trainer(s), the District will provide the training to all School staff and administrators.

**REPORTING REQUIREMENT III(C):** Within thirty (30) calendar days of the training being provided, the District will provide to OCR:

- a. the date, time, and location of the training;
- b. confirmation that the approved trainer(s) delivered the training;
- c. the agenda and materials from the training;
- d. the names and titles of all staff who attended the training; and
- e. the name(s) and title(s) of all staff who were required to attend the training pursuant to Term II, but who did not attend the training, an explanation for each person’s absence, and any make-up dates for the training.

The District understands that by signing this Agreement, it agrees 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, 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 Title II. 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 the District:**

/s/

11/29/2019

\_\_\_\_\_  
Alvin Brown, Director of Equal Opportunity Programs

\_\_\_\_\_  
Date