

**Resolution Agreement
Adams 12 Five Star Schools
Complaint Number 08-19-1501**

In order to resolve the open allegations in Case Number 08-19-1501, filed against Adams 12 Five Star Schools (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.

Training and Evaluation of Staff

1. The District will provide training to the Assistant Principal and Principal named in OCR’s data request. At a minimum, the training will include information about:
 - (a) the Section 504 prohibition on discrimination at 34 C.F.R. § 104.4;
 - (b) the Section 504 requirement to provide free appropriate public education (FAPE) at 34 C.F.R. § 104.33, including the obligation to provide FAPE when students with disabilities transfer into the District; and
 - (c) the Section 504 requirements regarding evaluation and placement at 34 C.F.R. § 104.35, including the requirement that a District conduct an evaluation before any change in placement, including changes in placement that occur because of disciplinary action.

REPORTING REQUIREMENTS:

Within sixty (60) calendar days of this Agreement being signed, the District will submit to OCR for approval draft materials (e.g. power-points, handouts, agenda) to train identified School administrators. The submission will also include the name(s), title(s) or position(s), and qualifications of one or more qualified individuals to provide the training to School administrators.

Within thirty (30) calendar days of receiving OCR’s final approval of the materials and trainer(s), the District will provide the training and provide to OCR documentation to demonstrate:

- a. The date, time, and location of the training;
- b. Confirmation that the approved trainer delivered the training;
- c. Final agenda and materials from the training;
- d. The names and titles of all staff who attended the training; and

- e. The names and titles of all staff who were required to attend the training, but did not attend, and an explanation of when and how these individuals will receive the required training.
2. The District, consistent with its published personnel policies, will evaluate whether Assistant Principal and Principal named in OCR's data request, acted consistently with District policies regarding the treatment of the Student and Complainant. At a minimum, the evaluation will examine whether the employees' conduct was consistent with:
 - (a) any District policy related to customer service/community relation/parent-student relations;
 - (b) any District policy related to provision of FAPE to students with disabilities, including any record-keeping policy;
 - (c) any District policy related to the discipline of students with disabilities, including policies related to manifestation hearings and determination; and
 - (d) any District policy related to the discipline process generally.

If the District determines that any employee acted in a manner inconsistent with District policy, the District will develop an appropriate remedy, which may include reprimand, other discipline, or additional training.

REPORTING REQUIREMENTS:

Within thirty (30) calendar days of this Agreement being signed, the District will submit to OCR a written report regarding each employee that sets forth a factual description of the employee's conduct, the relevant District policies, the District's reasoning for each finding related to the employee's conduct, and, if relevant, the District's reasoning for the remedy developed to address the employee's conduct. The District will provide OCR with sufficient documentation to show the basis of its factual findings and to support its reasoning regarding its determinations.

Individual Remedies

3. Within thirty (30) calendar days of this Agreement being signed, the District will 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 whether the District's failure to implement a 504 Plan for the 2017-18, 2018-19, and a portion of the 2019-20 school years resulted in denying the Student FAPE. If necessary, the team will determine what, if any, compensatory educational services are necessary to provide the Student with FAPE for any failure to implement the Student's 504 Plan for the 2017-18, 2018-19, and a portion of the 2019-20 school years.

REPORTING REQUIREMENT:

Within five (5) business days of the conclusion of the team meeting, the District will 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 will provide OCR all documentation necessary to support the determination and an explanation of the reasons for it and any objections to it. The District will also provide documentation sufficient to show the manner in which any compensatory services, if any, will be provided to the Student.

4. The District will ensure that the Teacher does not have the Student in any of the Teacher's classes for the remainder of the 2019-20 school year.

REPORTING REQUIREMENTS:

Within ten (10) business days of this Agreement being signed, the District will provide OCR a documentation necessary to show that the Teacher does not have and will not have the Student in any of his classes.

5. An independent District administrator, not affiliated with the School, will consider whether the Student's disciplinary record from school years 2018-19 and the portion of 2019-20 prior to implementation of Student's 504 plan should be amended or expunged. Before reaching a determination, at a minimum, the District administrator will carefully review this Agreement, OCR's closure letter, and all information it has related to the Student's discipline, including witness statements and emails as well as applicable District policy.¹

REPORTING REQUIREMENTS:

Within thirty (30) calendar days of this Agreement being signed, the District will provide OCR a copy of the District administrator's conclusion and all information considered by the District administrator, for review and comment. The District will promptly respond to and consider OCR's review and comment until the District administrator's determination receives final approval. Within five (5) business days of receiving final approval of the District administrator's determination, the District will inform the Complainant, in writing, of the District administrator's determination and the basis for it.

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

¹ OCR understands that a District administrator has interviewed School staff and provided the Complainant an opportunity to submit information, and that the District administrator will consider this information in the further implementation of this item.

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 Adams County School District 12:

/s/

1/10/2020

Chris Gdowski
Superintendent

Date