

RESOLUTION AGREEMENT

Weld County School District 6 08-20-1018

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Weld County School District 6 (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 the requirements of 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.

- A. **Training.** No later than September 30, 2020, the District will develop and provide training to University Schools (School) staff, which must include, but is not limited to, the special education staff, Section 504 staff, teachers, and administrators. The training will address the District's policies and procedures addressing the requirement to provide a free appropriate public education (FAPE), pursuant to Section 504, as well as the prohibition against disability discrimination, including harassment. The training, which may be provided by digital instruction, will include, but need not be limited to, the following:
- i. The requirement, pursuant to Section 504, to provide a qualified student with a disability an opportunity to benefit from the District's program equal to that of the student's non-disabled peers;
 - ii. The requirement to provide FAPE to each qualified student with a disability, regardless of the nature or severity of the student's disability;
 - iii. The District's policies and procedures which provide for the evaluation and placement of students who, because of disability, need or are believed to need a 504 Plan providing accommodation and/or related services;
 - iv. The District's policies and procedures which provide for the periodic reevaluation of students who have been provided a 504 Plan;
 - v. Instruction that the failure to provide all of the accommodations listed in a student's Section 504 Plan could result in a denial of FAPE;
 - vi. The prohibition against disability discrimination, including peer-to-peer and employee-on-student harassment;
 - vii. Instruction on what types of conduct constitute disability harassment, the School's responsibility for responding to such harassment, and how staff should respond to such harassment;
 - viii. Notice that failure to respond appropriately to notice of disability harassment, or retaliation for reporting such harassment, violates District policy and may result in the imposition of disciplinary sanctions;

- ix. The contact information for the District's Section 504 compliance coordinator; and,
- x. Information regarding how to file a complaint of discrimination, both with the District and with OCR.

Reporting Requirement: Within 15 calendar days of conducting the training described in Paragraph A, the District will provide to OCR the name(s) and credentials of the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials, etc.).

- B. **Investigation.** No later than May 31, 2020, the District will conduct an investigation into the alleged [redacted] disability-based harassment of the Student while attending the School during the 2018-2019 school year. The specific allegation(s) to be investigated will be confirmed by OCR by April 10, 2020.

Reporting Requirement. No later than May 31, 2020, the District will submit to OCR the results of its investigation. The District shall provide, at a minimum, a report of its findings, a copy of all documents, witness statements, and evidence gathered in the investigation, and a description of all discipline imposed and remedies provided (if any).

- C. **Compensatory Education or Related Services.** No later than June 30, 2020, the District shall convene the Student's Section 504 team to consider whether the Student was denied FAPE as the result of a) the School's alleged failure to fully implement the Student's Section 504 plan while attending the School during the 2018-19 school year, and b) the School's failure to respond to any alleged [redacted] disability-based harassment, pursuant to the findings in Paragraph B; and, as a result, whether compensatory education or related services are necessary.

The District will ensure that the Section 504 team includes a group of persons [redacted] who are knowledgeable about the Student, the evaluation data, and the placement options. The District will take reasonable steps to obtain parental participation in the meeting, including communicating through multiple methods, if necessary (phone, writing, email), and ensuring that the meeting (likely to be held virtually) is held at a time convenient to the parents. The District will provide the Student's parents with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

If the Student's team determines that compensatory education or related services are necessary, the team will develop a plan for providing those compensatory services to the Student before the beginning of the 2020-2021 school year. The District shall promptly

notify parents, in writing, of the compensatory services being offered at no cost and the proposed initiation date of such services.

Reporting Requirement: No later than June 30, 2020, the District will submit documentation to OCR that includes:

- i. A copy of meeting minutes including: (1) a summary of information the team considered in reaching its determination regarding whether and, if so, what compensatory services are appropriate for the Student; (2) documentation of the team's decision as to whether and, if so, what compensatory services are necessary for the Student and the basis for those decisions; and (3) if applicable, a plan for the prompt provision of compensatory services to the Student at no cost to parents;
- ii. If applicable, documentation that parents were notified in writing of the compensatory education and related services offered by the District.

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 its implementing regulations at 34 C.F.R. part 104 and Title II and its implementing regulation at 28 C.F.R. part 35, 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 the Agreement. Before initiating administrative enforcement (34. C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

04/06/2020

Dr. Deirdre Pilch
Superintendent
For Weld County School District 6

Date