

RESOLUTION AGREEMENT
North Conejos School District RE 1-J
OCR Complaint Number 08-21-1239

The U. S. Department of Education, Office for Civil Rights, (OCR) and the North Conejos School District RE 1-J (District) enter into this agreement (Agreement) to resolve the allegation in the above-referenced complaint. 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. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, and to resolve the issues of this investigation, the District agrees to take the following actions:

Section I: Student Specific Remedy

1. Prior to the commencement of the 2021-2022 school year, the District will convene a meeting on behalf of the Student to evaluate the student and determine placement in accordance with 34 C.F.R. § 104.35. The Complainant shall be provided appropriate notice and opportunity to attend the meeting.
2. If the Student is determined to be a person who, because of his disability, needs special education or related services, the participants must determine what, if any, compensatory educational services the Student requires to address the period of time following the Complainant's request for an evaluation in September of 2020.

Reporting Requirement: Within thirty (30) days of meeting, the District will provide documentation to OCR demonstrating that the district convened the meeting required by Items 1 and 2 of the Agreement and adhered to the requirements contained therein. Documentation shall reflect all meeting attendees, records of all information and documentation considered or discussed in determining eligibility, and, if applicable, whether compensatory services are needed. The documentation shall also provide an explanation for the decisions made.

Section II: Policies and Procedures

3. Within forty-five (45) days of the signing of the Agreement, the District will provide to OCR for review draft copies of evaluation and placement procedures developed in conformity with the requirements under 34 C.F.R. § 104.36. Within 60 days of receiving OCR approval, the District shall adopt and publish the procedures in a manner consistent with established District practice.

Reporting Requirement: Within thirty (30) days of adopting the procedures developed in satisfaction of Item 3 of the Agreement, the District will provide documentation to OCR demonstrating that the District has procedures in place to comply with Item 3 of the

Agreement. The documentation shall include copies of the policies and procedures and evidence of adoption and publication.

Section III: Training

4. Within 45 days of receiving OCR approval of the policies and procedures developed in satisfaction of Item 3 of the Agreement, the District will conduct Section 504 training for staff at XXX School, including but not limited to school administrators, teachers, counselors, aids, and paraprofessionals. The training must include information about the policies and procedures developed in satisfaction of Item 3 of the Agreement. The District may, but is not required to, provide training materials to OCR for review in advance of the training.

Reporting Requirement: Within 30 days of completing the training, the District will provide documentation to OCR demonstrating that the District has conducted training pursuant Item 4 of the Agreement. The documentation shall include: (1) the date(s) of the training session(s); (2) signed and dated sign-in sheets, including a list of names and titles of District staff and administrators who participated in each training session; (3) a list of individuals unable to attend a training session by name and title; (4) a plan for provision of the training information to those individuals unable to attend; (5) a description of the presenter’s background and qualifications with respect to knowledge of Section 504; and (6) a copy of the agenda and the training materials disseminated.

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 regulation at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35. 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.

District Superintendent or Designee

Date