

**Resolution Agreement
Mesa County Valley 51
Complaint Number 08-22-1252**

In order to resolve the open allegations in Case Number 08-22-1252, filed against Mesa County Valley 51 (the 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 Code of Federal Regulations (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 (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.

Compensatory Educational Services

1. The District will convene a multidisciplinary team consistent with the evaluation and placement procedures in accordance with 34 C.F.R. §§ 104.35 and 104.36 to determine whether compensatory educational services are appropriate considering any potential prior failures by staff at Grand Junction High School (School) to implement the Student’s Section 504 plan from January 2022 to March 2022 under “Behavior & Classroom Management” and “Behavior & Classroom Management: Other Comments or Accommodations,” and when staff at the School suspended the Student for more than ten days during February 2022. The District will convene a multidisciplinary team within the first two weeks of the 22-23 school year. The District will invite the Complainant, in writing, to attend the meeting, invite other individuals who are knowledgeable about the Student to attend the meeting, and share information and their perspectives at the meeting. The District’s invitation to the Complainant will, at a minimum, explain the purpose of the meeting and include an agenda.

If the team determines that the Student is entitled to compensatory educational services and compensatory educational services are accepted by the Student’s parent or guardian, the District will provide the services within 30 days after the commencement of the 2022-2023 school year.

REPORTING REQUIREMENTS

Within 30 calendar days from the date the District signs this Agreement, the District will submit for OCR’s review all documentation relating to compensatory education services for the Student. Such documentation will include but is not limited to:

- a. the District’s invitation to the Complainant and any responses from the Complainant;
- b. all documentation considered by the team;

- c. a narrative summary of the evaluation and placement meeting or meetings, including a summary of services that were considered and reasons for the adoption or rejection of each considered service;
- d. all evaluation and placement meeting notes;
- e. a written plan for providing compensatory education services, including timeframes for providing the services, and
- f. documentation of services it has offered or provided under the compensatory education plan.

Training Ensuring Notice and Implementation of Section 504 Plan

2. The District will provide training for its administrators, teachers, and support staff at the School related to notice and full implementation of Section 504 plans, including when to conduct a manifestation determination meeting. The training will ensure School administrators, teachers and support staff understand that they should know the content of a student's Section 504 plan, their responsibility to fully implement each student's Section 504 plan, and when to conduct a manifestation determination meeting before they begin working with the students.

REPORTING REQUIREMENTS

Within 30 calendar days from the date the District signs the Agreement, the District will provide OCR with its draft training material for OCR's review and approval. The District will also provide the name, title, and credentials of the proposed trainer.

The District will consider and respond to any feedback from OCR with respect to the draft training material and proposed trainer. Within 60 school days of OCR's approval of the draft training materials and trainer, the District will conduct the training.

Within 10 calendar days of the completion of the training, the District will provide OCR documentation establishing it has provided the training including a list of the names and titles of School administrators, teachers and support staff members who attended the training and copies of materials used in the training.

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. During the monitoring of this Agreement, if necessary, OCR may visit the District, interview employees 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. Upon completion of the obligations under this Agreement, OCR shall close this case.

The District acknowledges that OCR will not close the monitoring of this Agreement until OCR determines that the District is in compliance with the terms of the Agreement and is in

compliance with the regulations implementing Section 504 and Title II, which were at issue in this case and with respect to the Student.

The District understands and acknowledges that OCR may initiate administrative enforcement proceedings to enforce the specific terms of this Agreement. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

For Mesa County Valley 51:

/s/

Name, Title, and Date