

Resolution Agreement  
Centralia Elementary School District

OCR Case No. 09-16-1327

In order to resolve the allegations of the above-referenced case filed pursuant to Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, and Title VI of the Civil Rights Act of 1964, Centralia Elementary School District (District) agrees to the following:

A. Individual Remedies

1. By December 16, 2016, the District will develop and provide the Student's parents a plan to assess the Student in the area of speech and language. The District will begin the assessment of the Student within ten days of receiving the Student's parents' permission to assess. A copy of the speech assessment report will be provided to OCR and the complainants within five days after it is completed.
  - a. Within 60 days from receipt of permission to assess, the District will assess the Student and convene an individualized education program (IEP) meeting, including individuals qualified to interpret results of the assessment and persons knowledgeable about the Student and the placement options to review the results of the speech assessment and any other relevant information to determine whether the Student has a disability and whether he requires accommodations, modifications, special education or related services.
2. The District agrees to reimburse the complainant for amounts paid directly by the Student's family for speech therapist services not covered by insurance for the Student during the 2015-16 school year, up to a maximum reimbursement of \$1000.00, for which the complainant provides documentation of payment by February 15, 2017. The District will provide such reimbursement within 30 days of receiving documentation of incurred expenses. By March 31, 2017, the District will provide OCR with verification that it has reimbursed the parents for all documented speech therapy expenses up to the maximum stated above.

B. Guidance Memorandum and Training

1. The District will develop written guidance for staff outlining its procedures for addressing the needs of students who may have a disability under Section 504, Title II, or the Individuals with Disabilities Education Act (IDEA), and their

implementing regulations. Copies of the written guidance will be provided to all School administrators and teachers, and to all District staff responsible for enrolling students in District schools. The guidance will address the following:

- i) The District's and School's policies and procedures to be used by parents/guardians, teachers, other school employees, the student success team, or community agency for referring students for an evaluation.
  - ii) The steps that must be taken when a parent or guardian informs a teacher or other school or District staff member that he/she believes a student is disabled or that he/she may need special education or related services, or when a teacher or other District staff believes that the student is disabled, including
    - a. The School coordinator who must be informed of any such information;
    - b. The information that must be given to the parent/guardian concerning the evaluation process.
  - iii) A statement clarifying that a student may have a disability and need special education or related services even if he/she is receiving passing grades and test scores and stating the correct standards under both Section 504 and Title II for eligibility pursuant to 34 C.F.R. Section 104.35(a).
  - iv) The requirement that, if the School or District determines that an evaluation is unnecessary, the school or Section 504/Title II Coordinator or special education coordinator, shall inform the parents/guardians in writing of this decision and of the required procedural safeguards available pursuant to 34. C.F.R. Section 104.36.
2. The District will provide training on the Guidance Memorandum to all teachers and administrators at the School.

### **Reporting Requirements**

- 1. The District will provide OCR with the documents described in A1, including the assessment plan, the speech/language assessment, and the meeting notes, if applicable, within 15 days after the meeting of the group of knowledgeable persons.
- 2. By March 31, 2017, the District will provide OCR with documentation confirming the reimbursement of the complainant for private speech therapist expense as described under item A2.

3. By February 3, 2017, the District will provide OCR with a draft for review and approval of the Guidance Memorandum as described in item B. The District will work with OCR to address any comments or concerns and will distribute the Guidance Memorandum within 15 working days of final approval by OCR.  
By February 17, 2017, the District will provide to OCR for review and approval a draft of the training materials and a description of how the District is proposing to provide the training described in B.2. above. Within 60 days of OCR approval, the District will provide OCR with documentary evidence of the training in item B2 above, including a description of the training, the date of the training, sign-in sheets of the attendees (names and titles), and copies of any materials that were provided during the training(s).

#### General Provisions

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 Title VI, Section 504 and Title II and their implementing regulations, which were at issue in this case.

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 statutes and regulations that were at issue in 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 and § 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.

\_\_\_\_\_/s/\_\_\_\_\_

\_\_\_\_\_12/23/2016\_\_\_\_\_

Superintendent or designee