

**Resolution Agreement**  
Big Springs Unified School District  
OCR Case No. 09-16-1441

In order to resolve the above referenced case with the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), Big Springs Unified School District (District) agrees to take the actions in this Resolution Agreement (Agreement).

**I. Individual Remedies**

- A. The District will send a letter to the Complainant reaffirming its commitment and obligations to provide all students in the District with a Free Appropriate Public Education (FAPE) and an environment free from retaliation and intimidation.
- B. By September 30, 2017, after providing proper written notice to the Student's parent/guardian, a group of knowledgeable persons, including the parent/guardian, will determine whether the Student needs compensatory and/or remedial services, such as counseling, speech, and educational therapy, as a result of the District's failure to provide appropriate regular and/or special education or related services during the 2015-2016 school year. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond January 1, 2019. The District will provide the Student's parent/guardian notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

**II. Written Guidance and Training**

- A. The District will issue a written guidance memorandum for all administrators, faculty, and staff who have responsibility for ensuring that students in the District are provided FAPE, and an environment free from retaliation and intimidation. The memo will describe the District's specific responsibilities regarding:
  - a. Notice to all teachers and substitutes of their student's Individualized Education Plan (IEP) or 504 Plan (provide a copy),
  - b. Evaluation and placement, including significant changes in placement,
  - c. Behavioral assessments as necessary to ensure FAPE, and
  - d. Documentation of any removal of a student with a disability from school or class.
- B. The District will facilitate training for all administrators, faculty, and staff who have responsibility for ensuring that students in the District are provided FAPE, and an environment free from retaliation and intimidation. The training will cover, but not be limited to issues of evaluation, placement and behavioral assessments.

**III. Record Keeping**

- A. The District will create a record keeping system of requests for assessments from the Siskiyou County Office of Education (County) to facilitate the timely completion of assessments.

- B. The District will create a record keeping system to document removals from school or class and instruction missed due to possible disability related behaviors to ensure the required IEP or Section 504 meeting is held prior to a significant change in placement.

#### **IV. Monitoring and Reporting**

##### **A. Individual Remedies**

- a. By June 30, 2017, the District will submit to OCR a copy of the letter sent to the Complainant reaffirming its commitment and obligations to provide all students in the District a Free Appropriate Public Education (FAPE) and an environment free from retaliation and intimidation as described above.
- b. Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, the information considered, an explanation for decisions made, and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, and, as applicable, Title II, at 28 C.F.R. 35.160, in making these determinations. If Student's parent/guardian chooses not to participate in the meeting, the District will send evidence of its invitation to participate and of parent/guardian's declination to OCR within two weeks of receiving the parent/guardian's declination.
- c. By January 30, 2019, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

##### **B. Written Guidance and Training**

- 1. By December 30, 2017, the District will submit a draft of the guidance memorandum, training materials, and title/name of the proposed trainers as described in Section II for OCR review and approval.
- 2. Within six months of approval of its guidance memorandum and training materials, the District will finalize and issue the guidance memorandum and provide the training required in Section II.
- 3. Within one month of the training, the District will provide OCR with documentation that it has provided the training required under Section II. The documentation will include the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, sign-in sheets evidencing the District employees who attended the training, a list of the required District employees who did not attend, and a plan for providing follow-up for those employees who did not attend, as needed.

**C. Record Keeping**

1. By September 30, 2017, the District will provide OCR a copy of the record keeping system it intends to use to document when assessments are requested from the County for OCR review and approval.
2. By September 30, 2017, the District will provide OCR a copy of the record keeping system it intends to use to document when students are removed from school or class and miss instructional time due to possible disability related behavior for OCR review and approval.
3. By June 30, 2018, the District will send OCR a copy of the record keeping system used during the 2017-2018 school year described in 1 and 2 above.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, 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 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 Title II and their implementing regulations, which 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, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the College written notice of the alleged breach and sixty (60) days to cure the alleged breach.

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

Superintendent  
Big Springs Unified School District

\_\_\_\_06/23/2017\_\_\_\_\_

Date