

Resolution Agreement
Adelanto Elementary School District
Case No. 09-17-1105

In order to resolve the violation identified by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Adelanto Elementary School District (District) pursuant to Section 504 of the of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), and their implementing regulations, the District, without admitting to any violation of law, agrees to take the actions in this Resolution Agreement (Agreement).

I. Manifestation Determinations

- A. The District will provide a guidance memorandum and training to all site and District administrators involved in initiating or participating in manifestation determinations and school psychologists. The memorandum and training will describe the circumstances under which a manifestation determination should be conducted, as well as the process for initiating and conducting the determination. The memorandum and training will emphasize that manifestation determinations must be completed prior to a change in placement, which includes an expulsion hearing.
- B. Reporting Requirements:
1. By November 1, 2018, the District will submit a draft of the guidance memorandum required by Section I.A. to OCR for its review and approval. Within fifteen calendar days of OCR's approval of the draft guidance memorandum, the District will distribute the final version of the guidance memorandum to the recipients described in Section I.A., and provide documentation to OCR that it has distributed the memorandum.
 2. By November 1, 2018, the District will identify an individual with relevant experience to conduct the training required by Section I.A. and provide the name, title and qualifications of this individual and a copy of the agenda and training materials, for OCR's review and approval. The District will provide the OCR-approved training to the recipients described in Section I.A. by January 31, 2019.
 3. Within ten (10) calendar days after completing the training, the District will provide OCR a report that includes documentation that demonstrates the training occurred, including the date(s) of training, the names of the trainer(s), sign-in sheets with participant names and titles, list of school psychologists and all site and District administrators involved in initiating or participating in manifestation determinations, and a copy of the final materials used in the training.

II. Individual Remedies

- A. By January 31, 2019, after providing proper written notice by certified mail to the Complainant, a group of knowledgeable persons will determine whether Student 1 needs compensatory counseling and/or education services as a result of the District's failure to

provide appropriate regular and/or special education or related services during the 2016-2017 school year. The Complainant will be invited to participate in the determination. If a group of knowledgeable persons determine Student 1 needs compensatory counseling and/or education services, then within three (3) weeks of its determination, the group will develop a plan for providing timely compensatory counseling and/or education services with a completion date not to extend beyond August 30, 2019. The District will provide the Complainant with notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

B. Reporting Requirements:

1. Within three (3) weeks of the decision as to whether compensatory counseling and/or education 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 any compensatory counseling and/or education services to Student 1. 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.
2. By September 1, 2019, the District will provide documentation to OCR of the dates, times and locations that the compensatory counseling and/or education services were provided, a description of what was provided, and the name(s) of the service provider(s).

III. Monitoring

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 Section 504 and Title II and their implementing regulations, 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 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.

_____/s/_____
Superintendent or Designee

____10/18/2018_____
Date