

SETTLEMENT AGREEMENT

I. INTRODUCTION

Washoe County School District (district) enters into this agreement to resolve the compliance issues identified by the U.S. Department of Education (OCR) in its investigation of OCR Reference No. 10131135, conducted under the authority of section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990.

II. GENERAL PROVISIONS

- A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No. 10131135 and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 a minimum of sixty (60) calendar days to cure the alleged breach.
- C. The district understands that by signing this agreement, it agrees to provide OCR 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 the regulation implementing Section 504 and Title II, at 34 CFR 104.33 and 28 CFR 35.130 which were at issue in this case.
- D. 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 regulations implementing Section 504 and Title II, at 34 CFR 104.33 and 28 CFR 35.130.

III. REMEDIAL PROVISIONS

A. Policies and Procedures

1. By December 20, 2013, the district will review and revise its policies, procedures, and/or regulations regarding special education progress reports at XXXXX and XXXXXXXX to ensure that, for any student whose IEP specifies the method for reporting progress towards meeting annual goals as “specialized progress reports,” that student receives such reports in a timely manner consistent with the frequency delineated in the student’s IEP.
2. By December 20, 2013, the district will review and revise its policies, procedures, and/or regulations for special education students transitioning from middle school to high school to ensure: (1) that specific programs and services delineated in students’ IEPs can be fully implemented at the high school level; and, (2) that if specific programs and services delineated in students’ IEPs are unavailable at the high school level, the district has procedures in place to ensure compliance with the requirements of Section 504 at 34 CFR 104.33, 104.34, 104.35, and 104.36 to ensure that a student receives a free appropriate public education.

B. Training

1. Within 30 days of receiving OCR approval for the revised procedures and/or regulations described in section III.A.1 above, the district will provide in-person training to special education staff at XXXXX and XXXXX to ensure that they are proficient in the district’s revised “specialized progress reports” policies, procedures, and/or regulations.
2. Within 30 days of receiving OCR approval for the revised procedures and/or regulations described in section III.A.2 above, the district will provide in-person training to special education staff responsible for overseeing the transition of special education students from the middle school to the high school level to ensure that they are proficient in the district’s revised policies, procedures, and/or regulations as described in section III.A.2 above. This training can be a two-tiered training, beginning with special education administration, who will then train at the school level.

C. Notice

1. By February 14, 2014, the district will review records for all special education students who attended XXXXX during the 2012-2013 school year, as well as the first quarter of the 2013-2014 school year, to ensure that “specialized progress reports” were provided in accordance with students’ IEPs.
2. To the extent that “specialized progress reports” were not provided in accordance with a student’s IEP, the district will provide the student’s parent with a written notice by February 14, 2014, that includes: (a) a description of any revisions to district policies, procedures, and/or regulations made pursuant to section III.A.1; (b) a description of the training provided to special education staff pursuant to section III.B.1; (c) to the extent practicable, a “specialized progress report” for any quarter not previously provided; and, (d) if the district is unable to provide a “specialized progress report,” the notice will include a written assurance that timely “specialized progress reports” will be provided in the future, as well as the name and telephone number of the staff member the parent should contact if he or she has questions or concerns regarding the student’s progress towards meeting annual goals.

D. Student Specific Remedies

1. By December 20, 2013, XXXXXXXX staff will locate any and all student records they created and maintained for the student between August 1, 2012, and January 31, 2013, to ensure that the student’s parent(s) and XXXXXXXX staff receive a copy for their files. XXXXX staff will specifically attempt to locate any and all data collected pursuant to the student’s behavior incentive plan and provide both the parent and XXXXXXXXXX staff with a copy. Upon request, XXXXXXXXXX staff will make themselves available to the parent or XXXXX staff to answer any questions they may have regarding the data.
2. By December 20, 2013, the staff members responsible for implementing the student’s current IEP will convene to: (1) review each of the related aids and services included in the student’s current IEP to ensure that staff members have a clear understanding for how to implement the related aids and services in the student’s classes; (2) to ensure that IEP provisions requiring teachers to e-mail

assignments, notes, and PowerPoint presentations are implemented in a clear and consistent manner across each of the student's classes; and, (3) to ensure that IEP provisions regarding behavior incentive plans or behavior contracts are implemented in a clear and consistent manner across each of the student's classes.

3. By December 20, 2013, the district will convene a group of persons knowledgeable about the student to determine if he would benefit from compensatory educational services to address any educational deficiencies that may have resulted from the district's failure to fully implement the student's IEP during the 2012-2013 school year. The district will specifically consider whether the student is entitled to compensatory services as the result of the district's failure to:
(1) offer the XXXX; (2) consistently e-mail assignments, notes, and PowerPoint presentations; and (3) consistently implement a behavior incentive plan to address the student's refusal to use technology. If compensatory services are identified as necessary, the district will provide such services by the end of the 2013-2014 school year.

IV. REPORTING PROVISIONS

- A. By December 20, 2013, the district will provide OCR with a copy of the proposed revisions to the policies, procedures, and/or regulations described in section III.A.
- B. Within 45 days of receiving OCR approval of the proposed revisions described in section III.A, the district will formally adopt the revised policies, procedures, and/or regulations and provide OCR with a copy verifying adoption.
- C. Within 45 days of receiving OCR approval of the proposed revisions described in section III.A, the district will provide a report to OCR that reflects the specific actions taken to comply with section III.B. At a minimum, the report will include: (1) a description of the training provided; (2) the date(s) and duration of the training; (3) the title and qualifications of any presenters; (4) a copy of any PowerPoint presentations, materials, or other information disseminated at the training; (5) a list of all special education staff identified by the district as subject to the training requirement defined in sections III.B.1 and III.B.2; and, (6) sign-in sheets verifying attendance of all required special education staff.

- D. By February 28, 2014, the district will provide a report to OCR that reflects the specific actions taken to comply with section III.C, above. At a minimum, the report will include: (1) a list of the name and grade of each special education student at XXXXXX that did not receive a “specialized progress report” during the specified timeframe; (2) a description of the specific quarter or quarters for which the student did not receive a “specialized progress report;” and, (3) a copy of the notice sent to each student’s parent as described in section III.C.2.

- E. By January 31, 2014, the district will provide a report to OCR that reflects the specific actions taken to comply with section III.D. At a minimum, the report will include: (1) a copy of any records provided by XXXXXXXX staff to the parent and XXXXX pursuant to section III.D.1; (2) a detailed, written summary of the meeting convened pursuant to section III.D.2, including the list of attendees, a description of the discussion, and a description of the actions the staff will take to ensure the student’s IEP is implemented in a clear and consistent manner; and (3) a detailed, written summary of the meeting convened pursuant to section III.D.3, including a description of the factors considered in making a compensatory education decision, the identity of the decision-makers, any compensatory education services identified as necessary, a copy or description of the district’s compensatory education offer to the parent(s), if applicable, and, a description of the result of any such compensatory education offer.

- F. By June 30, 2014, if applicable, the district will provide a report to OCR that reflects the specific actions taken to provide all compensatory education services identified as necessary by the end of the 2013-2014 school year.

Signed:

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Pedro Martinez
Superintendent
Washoe County School District

__11/20/2013_____

Date