

**SETTLEMENT AGREEMENT**  
**Gresham-Barlow School District 10J**  
**OCR Case No. 10151079**

**I. INTRODUCTION**

Gresham-Barlow School District 10J (the 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. 10151079, 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. 10151079 and does not constitute an admission by 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 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's campus or place of business, 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, at 34 CFR 103.33-103.35, 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 at 34 CFR 104.33-104.36.

### **III. REMEDIAL PROVISIONS**

#### **A. Policies and Procedures**

By August 30, 2015, in conjunction with OCR as described in the reporting section below, the district will review, and if needed, revise or adopt district-wide Section 504 policies and procedures with respect to the evaluation and placement of students who, due to disability, need or are believed to need, special education or related services. The focus of the review will be on ensuring that the district promptly evaluates or reevaluates students who, due to disability, need or are believed to need special education or related services, or students whose need for special education or related services may have changed, to determine the student's current need for such services.

#### **B. Publication**

Within 30 days of receiving OCR approval of the policies and procedures as described in the reporting section below, the district will revise all of its print and electronic publications of its policies and procedures, including any policies and procedures on its website, consistent with the approved policies and procedures, as needed. The district will provide notice to all district staff of the revised policies and procedures.

#### **C. Training**

Within 90 days of receiving OCR approval of the policies and procedures as described in the reporting section below, the district will provide training to all teachers, counselors, psychologists, special education/Section 504 staff and administrators, and any other staff that are involved in the evaluation process for students with disabilities. The training will address the newly revised or established Section 504 policies and procedures, and specifically include the procedures for evaluating students who need, or are believed to need, special education and/or related aids and services.

#### **D. Student Evaluation**

Within 45 days of the first day of the 2015-2016 school year, the district will evaluate the student to determine whether she has a disability that requires special education and/or related aids and services. The district will utilize tests and other evaluation materials that have been: (1) validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer; and (2) that are tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and (3), are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure). If evaluation testing reveals that the student has a disability that requires special education and/or related aids and services, the district will follow procedural requirements of the regulation implementing Section 504, at 34 CFR 104.33-104.36 and develop an IEP or Section 504 plan for the student, as appropriate.

E. Compensatory Education

Within 45 days of the first day of the 2015-2016 school year, 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 as a result of the district's failure to provide appropriate regular and/or special education or related services during the 2014-2015 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 29, 2016. 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. 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.

**IV. REPORTING PROVISIONS**

A. Policies and Procedures

By August 30, 2015, the district will provide a report to OCR that contains a draft of the revised policies and procedures pursuant to section III.A, above. OCR will review the policies/procedures and notify the district whether the policies/procedures require any additional revisions. If revisions are required, the district will make the revisions and re-submit the draft policies and procedures to OCR for review within 20 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the policies and procedures.

B. Publication

Within 14 days of publishing the policies and procedures and providing the notice described in III.B, above, the district will provide a report to OCR demonstrating that it took those steps, including a description of the methods and dates the policies were published, and a copy of the notice sent to staff.

C. Training

1. By August 30, 2015, pursuant to section III.C above, the district will provide a report to OCR that contains a draft of the proposed training materials. OCR will review the training materials and notify the district whether the training materials require any additional revisions. If revisions are required, the district will make the revisions and re-submit the draft training materials to OCR for review within 20 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the training materials.

2. By January 29, 2016, pursuant to section III.C above, the district will provide a report on the training provided to staff, including:

- a. the date of the training;
- b. the name of the person(s) who provided the training,
- c. description of the training;
- d. the length of the training;
- e. copies of any materials provided during the training, including handouts;

- f. the names and titles of staff attending the training; and
- g. names of staff who were unable to attend the training and the steps taken to provide the training to those individuals.

3. By January 29, 2016, the district will report to OCR regarding the training of staff who were unable to attend the previous training session.

D. Student Evaluation

1. If the district has conducted an evaluation of the student in the last 120 calendar days that is consistent with the standards in section III.D, the district will submit to OCR documents evidencing that the district evaluated the student to determine whether she had a disability that requires special education and/or related aids and services within thirty days of the signing of the agreement. The documentation submitted shall reflect the tests and evaluation material used, as well as the result of the evaluation.

2. If an evaluation of the student consistent with the standards in section III.D was not previously conducted, within two weeks of the completion of the evaluation of the student, the district will submit to OCR documents evidencing that the district evaluated the student consistent with the standards described in section III.D, to determine whether she had a disability that requires special education and/or related aids and services. The documentation submitted shall reflect the tests and evaluation material used, as well as the result of the evaluation.

E. Compensatory Education

1. 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, an explanation for decisions made, the information considered, and a description of and schedule for providing any 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 procedural requirements of the regulation implementing Section 504, at 34 CFR 104.33-104.36, in making these determinations.

2. By January 29, 2016 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).

Signed:

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Mr. Jim Schlachter  
Superintendent  
Gresham-Barlow School District 10J

June 25, 2015  
Date