

## **SETTLEMENT AGREEMENT**

### **I. INTRODUCTION**

Helena School District No. 1 (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. 10151101, 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. 10151101 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 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 buildings, 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 regulations 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. SUBSTANTIVE PROVISIONS**

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

##### **1. Grade Review**

In July 2016, pursuant to discussions with OCR, the district reviewed the student's assignments from her 12<sup>th</sup> grade American government class and identified all assignments in which points were deducted because the assignment was turned in late, and removed these point deductions. The district then re-calculated the student's semester and year-end grades for her 12<sup>th</sup> grade American government class using the full point values for those assignments and amended the student's transcript to show the revised grades.

##### **2. Amended Transcript**

By August 5, 2016, the district will provide the student's official transcript, as amended pursuant to section III.A.1 above, to the student and to all postsecondary institutions that have requested the student's transcript to date.

#### **B. Review and Revision of Policies and Procedures**

By August 26, 2016, in conjunction with OCR, as described in the reporting requirements set forth in section IV.B.1 below, the district will review and revise, as necessary, its Section 504 procedures and practices implemented at all district schools to ensure that procedures are in place that require consistent implementation of all provisions contained in Section 504 plans or individualized education programs (IEPs). Specifically, the district will ensure the procedures and practices comply with the Section 504 regulations at 34 CFR 104.33, including the obligation to consistently provide all services listed in Section 504 plans/IEPs, and that all relevant staff members are aware of the provisions of a student's Section 504 plan/IEP and understand how they will implement the plan.

#### **C. Publication of Revised Policies and Procedures**

Within 30 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to the reporting requirements set forth in section IV.B.1 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.

**D. Training on Revised Policies and Procedures**

Within 90 days of receiving OCR approval of the proposed training materials as described in the reporting requirements set forth in section IV.D.1 below, the district will provide training to all teachers, counselors, psychologists, special education/Section 504 staff and administrators, and any other staff who are involved in implementing Section 504 plans/IEPs for students with disabilities. The training will address the newly revised or established Section 504 policies and procedures, and specifically include the procedures for ensuring that a student's Section 504 plan/IEP is implemented, including ensuring that all relevant staff members are aware of the provisions of a student's Section 504 plan and understand how they will implement the plan.

**IV. REPORTING PROVISIONS**

**A. Individual Remedies**

**1. Grade Review**

By August 31, 2016, the district will provide to OCR a copy of documents identifying the amendments to the student's grades pursuant to section III.A.1 above, including the revisions to the points earned by the student's late assignments.

**2. Amended Transcript**

By August 31, 2016, the district will provide OCR a copy of the amended transcript, as required by section III.A.2 above.

**B. Revision of Policies and Procedures**

1. By August 31, 2016, the District will provide OCR a copy of its draft revised policies and procedures, which it developed pursuant to section III.B above, for OCR's review and approval.
2. Within 60 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to section IV.B.1 above, the District will provide OCR with documentation to substantiate that it has adopted the OCR-approved policies and procedures.

**C. Publication of Revised Policies and Procedures**

Within 30 days of the District's revision of materials pursuant to section III.C above, the District will provide OCR a report demonstrating that it took the steps described in section III.C above, including a description of the methods and dates the policies and procedures were published and a copy of the notice sent to district staff.

**D. Training on Revised Policies and Procedures**

1. Within 60 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to the reporting requirements set forth in section IV.B.1 above, the District will provide OCR a report containing a draft of the proposed training materials for the training to be provided on the District's revised policies and procedures as required by section III.D above. OCR will review the draft training materials and notify the district whether the draft 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 14 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. Within 100 days of receiving OCR's approval of the training materials submitted pursuant to the reporting requirements set forth in section IV.D.1 above, the District will provide OCR a report on the training provided to staff as required by section III.D above. The report will include, at a minimum:
  - a) the date of the training;
  - b) the name(s) of the person(s) who provided the training;
  - c) a 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 who attended 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. Within 130 days of receiving OCR's approval of the training materials submitted pursuant to the reporting requirements set forth in section IV.D.1 above, the district will report to OCR regarding the

training of staff who were unable to attend the previous training session.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
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Jack Copps  
Interim Superintendent  
Helena School District No. 1

\_\_\_\_\_August 2, 2016\_\_\_\_\_

Date