

SETTLEMENT AGREEMENT

I. INTRODUCTION

Dillon School 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.10161030, conducted under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

II. GENERAL PROVISIONS

- A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No. 10161030 and does not constitute an admission by the district of any violation of Section 504 or Title II or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10161030 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.”
- C. 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.
- D. 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 regulations implementing Section 504 at 34 CFR § 104.33 and 34 CFR 104.35 and 42 U.S.C. § 12131 et seq. which were at issue in this case.

- E. 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.

III. RESOLUTION

A. Policies and Procedures

In consultation with OCR as described in the reporting sections below, the district will review and revise, as necessary, its policies and procedures to ensure that it evaluates all students who, because of disability, need or are believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent change of placement. The policies and procedures will further ensure that as the district receives new information regarding a student's disabling condition, or information about new disabling conditions, that it will conduct an evaluation as necessary to determine whether the student's placement requires modifications based on the new information. The policies and procedures will also ensure that the evaluations are conducted consistent with the procedural requirements of Section 504 at 34 CFR 104.35 and 42 U.S.C. § 12131. The policies and procedures will ensure that the district will not categorically exclude any disabled students from special education or related services evaluations due to the type of disability, such as dyslexia or dysgraphia.

B. Notice and Training

1. Within 30 days of receiving OCR's approval of the policies and procedures described in section III.A, above, the district will provide notice to all staff regarding the policies and procedures. The notice can be made to staff electronically.
2. Within 60 days of receiving OCR's approval of the policies and procedures described in section III.A, above, the district will train all teachers, administrators, and other staff who make decisions regarding whether to refer students for special education or related services regarding the policies and procedures described in section III.A, above. The training will specifically address that students with dyslexia and dysgraphia are not categorically excluded from evaluations for special education or related services, and that the

district must follow the same evaluative process for those students as other students who need or are believed to need special education or related services due to a disabling condition. The training will also include information about the educational needs of students with dyslexia and dysgraphia and the training will be conducted by a person with knowledge of the potential educational effects of dyslexia and dysgraphia.

IV. REPORTING PROVISIONS

A. Policies and Procedures

1. By April 1, 2016, the district will provide OCR a copy of its draft revised policies and procedures, which it developed pursuant to section III.A of the agreement, for OCR's review and approval. OCR will review the policies and procedures and notify the district if OCR approves the policies and procedures, or whether OCR identifies any necessary revisions to the policies and procedures. If OCR identifies revisions, the district will submit revised policies and procedures within 30 days of receiving OCR's notice. OCR and the district will repeat this procedure until OCR approves the policies and procedures.
2. Within 30 days of receiving OCR's approval of the revised policies and procedures submitted pursuant to section III.A of the agreement, the district will provide OCR with documentation to substantiate that it has adopted the OCR approved policies and procedures.

B. Notice and Training

1. Within 45 days of receiving OCR's approval of the policies and procedures pursuant to section IV.A, above, the district will submit a report to OCR containing a copy of the notice sent to staff pursuant to section III.B.1, above.
2. Within 75 days of receiving OCR's approval of the policies and procedures pursuant to section IV.A, above, the district will submit a report to OCR describing the training provided pursuant to section III.B.2, above. The report will contain, at a minimum:
 - a. the date and time of the training;

- b. the name and qualifications of the person providing the training;
- c. a copy of the materials used to provide the training;
- d. a list of staff with position titles who attended the training; and
- e. for any required staff who were not able to attend the training, a description of the district's plan to provide them with the training.

Signed:

_____/s/_____
Dr. Glen Johnson
Superintendent
Dillon School District No. 10

Date February 1, 2016