

RESOLUTION AGREEMENT

Carson City School District (the District) enters into this agreement to resolve the allegations in OCR Reference No. 10201113, filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

I. POLICIES AND PROCEDURES

- A. The District will review and revise, if necessary, its current policies and procedures (revised procedures) to ensure that all regular and special education and related aids and services are provided to qualified students in accordance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. The revised procedures must specifically ensure that:
1. the District will provide all regular and special education and related aids and services to each student with a disability necessary to provide a student with a free appropriate public education (FAPE);
 2. the District will implement all provisions contained in each student's Section 504 plan, individual education program (IEP), or other education or behavioral plan for students with disabilities, unless a placement decision consistent with the procedural requirements of Section 504 is made and that particular aid or service is no longer necessary or appropriate; and
 3. the District will promptly and effectively notify relevant District administrators and staff of a student's Section 504 plan, IEP, or other education plan so that all regular and special education and related aids and services identified in the plans can be implemented in a timely manner.
- B. Reporting Provisions
1. By June 1, 2020, the District will submit to OCR, for its review and approval, a draft of its revised or most recent procedures. If OCR requires any changes to the procedures, the District will re-submit the revised procedures within 60 calendar days of receiving notice of the required revisions from OCR. The District and OCR will continue this process until OCR approves the revised procedures.
 2. Within 60 calendar days of receiving OCR's written approval of the procedures, the District will provide to OCR documentation demonstrating that it has: (1) adopted the revised policies and procedures; and (2) published the revised procedures in District

publications and on the District website. Inserts may be used pending reprinting of publications.

II. TRAINING

- A. The District will provide training to all administrators and teaching staff at XXXXXXXX on their obligation to provide regular and special education and related aids and services to qualified students in accordance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. The training will be conducted by someone who is qualified and has expertise in Section 504 and Title II.
- B. Reporting Provisions:
 - 1. By December 31, 2020, the District will submit to OCR, for its review and approval, a draft of its training lesson plan, including handouts, if any. If OCR requires any changes to the lesson plan, the District will re-submit the revised lesson plan within 30 calendar days of receiving notice of the required revisions from OCR. The District and OCR will continue this process until OCR approves the training lesson plan.
 - 2. Within 60 days of receiving OCR's approval of the training lesson plan, the District will provide OCR with a report demonstrating that it conducted the training described in II.A., above. The report will include a detailed description or lesson plan of the training given, the time(s) and date(s) of the training, any handouts or presentation slides used during the training, a list, by name and job position, of persons who attended the training, and the name and qualifications of the trainer.

III. STUDENT REMEDIAL SERVICES

- A. The District will provide the complainant a letter that the District takes systematic measures to ensure all disabled students receive all regular and special education and related aids and services necessary for the students to receive FAPE; and include a copy of the revised policy and procedures developed in accordance with section I.A., above. The letter will commit to providing FAPE to the student who was the subject of the complaint.
- B. The District will schedule a meeting/meetings of the student's IEP team in order to determine whether the student was provided special education and related services, to include supplementary aids and services, as necessary to ensure that the student received FAPE with respect to XXXX

enrollment in the District during the 2019-2020 school year¹. If the XXXXXXXX does not agree to attend the meeting(s), then the District may hold the meeting(s) without the XXXXXXXXXXXXX; specifically, the District is not required to hold the meeting(s) with a substitute (such as an advocate) for the XXXXXXXXXXXXX. The District will document its offer to meet with the XXXXXXXXXXXXX.

- C. The student's IEP team will determine if there were any special education and/or related services the District should have provided the student during the 2019-2020 school year but did not (compensatory education).
- D. The District will offer to provide the student any compensatory education the student's IEP team determines is necessary to ensure that the student receives a FAPE with respect to XXXXX enrollment in the District during the 2019-2020 school year.
- E. If the student's XXXXXXXXXXXX accepts the District's offer for compensatory education, the District will provide the compensatory education consistent with its offer.
- F. Reporting Provisions
 - 1. By 30 days following OCR's approval of the District's policies described in Section I.B.1, above, the District will submit to OCR, for its review and approval, a copy of the letter drafted in accordance with Section III.A., above. If OCR requires changes to the letter, the District will re-submit the letter within 30 calendar days of receiving notice of the required changes. The District and OCR will continue this process until OCR approves the letter.
 - 2. Within 30 days of receiving OCR's approval of the letter, the District will submit a report to OCR demonstrating that it sent the approved letter to the complainant.
 - 3. By 30 days following the meeting described above in section III.B, the District will submit to OCR a report establishing that the District convened a meeting/meetings of the student's IEP team and determined the nature and extent of compensatory education, if

¹ OCR recognizes that District schools closed in March 2020 due to the COVID-19 pandemic, and that the disability-related services provided to the student may have changed as a result of the school closure. While this agreement references a review of the 2019-2020 school year, to the extent that the student's services at issue in this complaint were no longer necessary due to the closure of the schools, or that the services were provided in a different manner due to the school closure, the District can limit the review to the time period prior to the school closure with regard to those services.

any, to be provided to the student, as required by section III.B and III.C. The report will include a description of the steps the District took to determine the nature and extent of the compensatory education, if any, and the method to be used to provide any compensatory education to the student. If OCR requires changes to the report, the District will re-submit the report within 30 calendar days of receiving notice of the required changes. The District and OCR will continue this process until OCR approves the report.

4. Within 30 days of receiving OCR's approval of the report, the District will submit a report to OCR demonstrating that: 1) the District offered the compensatory education contained in the report, if any, to the XXXXXXXXXXXXX of the student; and 2) the District provided the XXXXXXXXXXXXX no less than 14 days to respond to the offer. The report will also contain the XXXXXXXXXXXXX's response, if any. If the XXXXXXXXXXXXX did not accept the offer of compensatory education, or if the XXXXXXXXXXXXX did not respond to the offer within the designated time frame, the District will not be responsible to provide the compensatory education contained in the approved report.
5. If the XXXXXXXXXXXXX accepts the offer of compensatory education contained in the approved report, within 120 days of receiving the XXXXXXXXXXXXX's acceptance, the District will provide documentation to OCR establishing that it delivered the compensatory education to the student consistent with the approved report. If the District determines that the compensatory education cannot be provided within this timeframe, the District will notify OCR and provide the report within 30 days of completing the provision of compensatory education.

V. GENERAL MONITORING PRINCIPLES

- A. The District understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the District understands that during the monitoring of this agreement, if necessary, 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. Upon the District's satisfaction of the commitments made under this agreement, OCR will close this case.

- B. 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 under 34 C.F.R. §§ 100.9 and 100.10, or judicial proceedings, including 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.

Signed:

/s/

April 21, 2020

Richard Stokes
Superintendent
Carson City School District

Date