

RESOLUTION AGREEMENT
Gibraltar School District
OCR Docket #15-15-1261

The Gibraltar School District (the District) submits this Resolution Agreement to the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above-referenced complaint and ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The District agrees to take the following actions:

Individual Remedy

1. If the Student reenrolls in the District, the District will convene the Student's Individualized Education Program (IEP) team, including the Student and individuals at the District who are knowledgeable about the Student, the meaning of his evaluation data, and placement options. The District will, within seven (7) days after the Student's reenrollment, invite the Student's parent, in writing, to attend the meeting and hold the meeting within (15) days of that invitation. In the event that the Student's parent is unable to attend, the District will provide the Student's parent with a meaningful opportunity to provide input. The District's team will take the following actions:
 - a. Determine what compensatory education, or other remedial services, the Student may require as a result of the delay between the evaluation conducted on XXXXXXXX, and the Student's first day in his placement on XXXXXXXX.
 - b. Prepare a written plan for providing the Student with the compensatory education or other remedial services deemed necessary. The plan will identify the nature and amount of the services to be provided at no cost to the Student, by whom they will be provided, and when they will be provided.
2. Within five (5) days after the meeting, the District will send notification to the Student's parent, in writing, of the decisions made at the meeting. The notification should include a detailed description of the outcome of the assessment and, if applicable, the plan for compensatory education or other remedial services. The District will also notify the Student's parent, in writing, of the procedural safeguards afforded to the Student under Section 504.

REPORTING REQUIREMENTS: By **October 15, 2016**, the District will confirm to OCR whether or not the Student has reenrolled in the District. If the Student has reenrolled, the District will provide OCR with documentation to demonstrate its implementation of Action Step 1, including: (i) copies of the District's efforts to schedule a meeting with the Student's parent and the Student's response; (ii) copies of any notes or related documents from the meeting showing when the meeting occurred, who was present, what was discussed, the determinations made and the bases for those determinations; (iii) a copy of any plan

developed for the Student; and (iv) a copy of any notification sent to the Student’s parent pursuant to Action Step 2. Should the District determine that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for those determinations, along with any supporting documentation. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

By **December 31, 2016**, if the Student’s IEP team determined that compensatory education was necessary, the District will submit documentation to OCR verifying that it provided the Student with the compensatory education, including the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, and including the name(s) and title(s) of the service provider(s).

General Requirements

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 Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4 and 104.33, which were at issue in this case.

The District understands that, by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this 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 and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4 and 104.33.

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 (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.

_____/s/_____
Superintendent or Designee

Date