

RESOLUTION AGREEMENT
White River School District # 47-1
OCR Docket # 07151182

The White River School District #47-1 (District), White River, South Dakota, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced discrimination complaint against the District and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and the implementing regulations of these federal laws. The District, as a recipient of Federal financial assistance, is subject to the requirements of Section 504 and Title II.

The District is resolving this complaint during OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.¹ Because the District voluntarily submitted, and OCR accepted, this Agreement prior to the conclusion of OCR's investigation of the allegations raised by the Complainant, OCR has not made any findings of fact or law, or issued a final determination with respect to this complaint.

RESOLUTION PROVISIONS

The District agrees to take the following actions:

REVISION AND PUBLICATION OF NOTICE OF NONDISCRIMINATION

- 1) The District shall revise the District's combined notice of nondiscrimination in accordance with Section 504, Title II, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (Title IX); the Age Discrimination Act of 1975, 42 U.S.C. § 6101; Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d; and the Boy Scouts of America Equal Access Act (Boy Scouts Act), and the implementing regulations of these federal laws. The District may consult with OCR for technical assistance in revising the notice of nondiscrimination, and may refer to OCR's policy guidance entitled *Notice of Non-Discrimination*, including the sample combined notice of nondiscrimination,² and OCR's *Dear Colleague Letter* (April 4, 2011, page 6, pertaining to notices of nondiscrimination).³ The revised notice of nondiscrimination must include the name or title, address, telephone number (including any TTY or TDD number), and email address of the District employee(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX,

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.

² OCR's guidance entitled *Notice of Non-Discrimination* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>.

³ OCR's April 4, 2011 *Dear Colleague Letter* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>.

Section 504, Title II,⁴ and the Age Discrimination Act. The District will ensure that the District's notice of nondiscrimination references the Boy Scouts Act, includes OCR's current address, and is consistent in all publications.

REPORTING REQUIREMENT: By **December 15, 2015**, the District will provide to OCR a draft, revised combined notice of nondiscrimination in accordance with this Agreement for OCR's review and approval.

- 2) The District shall prominently display the notice of nondiscrimination on the homepage and each separate section of the District's website, including individual school websites. The online notice of nondiscrimination shall contain a link to the District's anti-discrimination, anti-harassment, and anti-retaliation policies and grievance procedures, including a discrimination complaint form.

REPORTING REQUIREMENT: **Within 30 calendar days** following the District's receipt of OCR's approval of the revised notice of nondiscrimination, the District will provide to OCR a link to the revised, combined online notice of nondiscrimination with the embedded links.

- 3) The District shall publish and prominently display the revised, OCR-approved combined notice of nondiscrimination in an easily visible location in electronic and printed publications for general distribution, including, but not limited to, the following publications: a) bulletins; b) announcements (excluding unforeseeable announcements such as inclement weather notices); c) catalogs; d) student and employee application forms; e) recruitment materials, f) board policies and grievance procedures for discrimination complaints; g) student, parent and employee or staff handbooks, and h) student codes of conduct. For publications such as student, parent, and employee handbooks, the notice should be placed at the beginning of each handbook in a section entitled *Notice of Nondiscrimination* or a similar title, with a reference in the index or table of contents. The revised notice also shall be prominently posted in an easily visible location in the District administration building(s) and each District school.

REPORTING REQUIREMENT: **Within 30 calendar days** following the District's receipt of OCR's approval of the revised notice of nondiscrimination, the District will provide to OCR a current list of the posted, electronic (including online), and hard-copy publications containing the revised, OCR-approved combined notice of nondiscrimination, with links to the electronic publications and copies of the hard-copy publications. For any District hard-copy publications that will not be revised until the spring or summer of 2016, the District will at the same time provide OCR with a list of such publications, and copies of those revised hard-copy publications will be provided to OCR no later than **August 5, 2016**.

⁴ The designated coordinator requirement is applicable for public entities that employ 50 or more individuals under Title II.

SECTION 504 AND TITLE II POLICIES AND PROCEDURES

- 4) The District shall revise the District's Section 504 and Title II policies, procedures, forms, and procedural safeguards notice to comply with Section 504 and Title II, including the Americans with Disabilities Act Amendments Act of 2008 (ADA Amendments Act),⁵ and the applicable federal regulations, including Section 504 regulations at 34 C.F.R. §§ 104.31 through 104.35, regarding the identification, evaluation, and educational placement of students who, because of a disability, need or are believed to need special education or related services. The District's Section 504 and Title II policies, procedures, and any handbooks shall include, but are not limited to:
- a) The expanded language and definitions of physical and mental impairments, in accordance with the ADA Amendments Act, including the following language:
 - i) "A person with a disability means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. The definition of disability shall be construed in favor of broad coverage of individuals.";
 - ii) "The term "physical or mental impairment" means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitor-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.";
 - iii) "The term "major life activities" includes, but is not limited to, functions such as (1) caring for one's self, (2) performing manual tasks, (3) walking, (4) seeing, (5) hearing, (6) speaking, (7) breathing, (8) learning, (9) working, (10) eating, (11) sleeping, (12) standing, (13) lifting, (14) bending, (15) reading, (16) concentrating, (17) thinking, and (18) communicating. The term "major life activity" also includes the operation of a major bodily function, including, but not limited to, (1) functions of the immune system, (2) normal cell growth, (3) digestive, (4) bowel, (5) bladder, (6)

⁵ The definition of a qualified individual with a disability was amended by the ADA Amendments Act (P.L. 110-325), which became effective on January 1, 2009. The Act also amended Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. § 705).

neurological, (7) brain, (8) respiratory, (9) circulatory, (10) endocrine, and (11) reproductive functions.”;

iv) “The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as:

(1) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(2) use of assistive technology;

(3) reasonable accommodations or auxiliary aids or services; or

(4) learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.”;

v) “An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.”;

vi) “An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.”

b) The following language in accordance with the Section 504 regulations at 34 C.F.R. §§ 104.32, 104.33, and 104.34 (identification, free appropriate public education (FAPE), and educational setting):

i) “The District shall annually undertake to identify and locate every qualified child with a disability residing in the District’s jurisdiction who is not receiving a public education and take appropriate steps to notify children with disabilities and their parents or guardians of the District’s duties under Section 504 and Title II. The District shall include a provision addressing Section 504 and Title II in the District’s child find publications, including newspaper notices, letters, flyers, and brochures.”; and

ii) “Examples of situations in which school personnel may reasonably conclude that a student needs or is believed to need special education or related aids and services, include 1) when a teacher, based on observation of or work with the student,

expresses the view that an evaluation is needed, or 2) when the parent of a student has requested an evaluation.”⁶

- c) The following language in accordance with the Section 504 regulation at 34 C.F.R. §§ 104.34 and 104.35 (evaluation, placement, and reevaluation):
- i) “The District shall conduct an evaluation of any student who, because of a disability, needs or is 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 significant change in placement.”;
 - ii) “The District shall ensure the following actions are taken when interpreting evaluation data and making placement decisions:
 - (1) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Grades alone are an insufficient basis upon which to determine whether a student has a disability and grades may not be the determinative factor in deciding whether a student with a disability needs special education or related aids or services. Grades are just one consideration and do not provide information on how much effort or how many outside resources are required for the student to achieve those grades.
 - (2) Establish procedures to ensure that information obtained from all such sources is documented and carefully considered.
 - (3) Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. A parent(s) or guardian is a required participant in the group if he or she is a person knowledgeable about the student.
 - (4) Ensure that the placement decision is made in a timely manner, and places the student in the least restrictive environment”; and
 - iii) “The District shall ensure that students with disabilities who have been provided special education or related services are periodically reevaluated utilizing the evaluation and placement procedures set forth in 34 C.F.R. § 104.35(b) and (d). The District shall reevaluate a student with a disability in the following circumstances, including, but not limited to, a reevaluation (1) in any area where a disability is suspected, (2) if the student’s behaviors or needs have changed warranting a reevaluation, and (3) before any significant change in placement (including, for

⁶ See OCR’s guidance entitled *Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools* (Q&A on the Amended ADA), answer to question # 9.

example, the termination or significant reduction of educational or related services).
Reevaluations will be completed within a reasonable period of time.”

- d) The procedures for imposing discipline on students with disabilities, including the following language:
- i) “The disciplinary removal or exclusion of a student with a disability from school, such as an out-of-school suspension, is a significant change in placement if the removal or exclusion is (1) for more than ten consecutive school days, or (2) a series of removals or exclusions that are each ten days or less during the same school year that constitute a pattern of exclusion. In-school suspensions for more than ten consecutive school days or that constitute a pattern of exclusion may be a significant change of placement if the student does not receive educational services required under Section 504 and Title II.”;
 - ii) “The determination of whether a series of removals creates a pattern of exclusion that constitutes a significant change in placement must be made on a case-by-case basis, including, but not limited to, the following factors:
 - (1) The series of removals totals more than ten school days in the same school year;
 - (2) The student’s behavior is substantially similar to the student’s behavior in previous incidents that resulted in the series of removals; and
 - (3) Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another.”;
 - iii) “Prior to any disciplinary removal or exclusion of a student for more than ten consecutive school days, or for a series of removals that creates a pattern of exclusion during the same school year, the multi-disciplinary team will meet to determine whether the student’s conduct is a manifestation of the student’s disability(ies). The multi-disciplinary team will review all relevant and recent information in the student’s file, including, but not limited to, the student’s 504 Plan, any teacher observations, psychological evaluation data related to the student’s current behavior, and any relevant information provided by the parent(s) or guardian, during the manifestation determination meeting to determine if the student’s conduct in question is a manifestation of the student’s disability(ies).”;
 - iv) “Conduct found to be a manifestation of the student’s disability: If the multi-disciplinary team determines that the student’s conduct was a manifestation of the student’s disability(ies), or the student’s conduct was due to an inappropriate placement or failure to implement the student’s Section 504/Title II Plan (or IEP), then the multi-disciplinary team must determine what, if any, modifications to the student’s educational placement are necessary, including conducting a functional

- behavioral assessment and developing or revising a positive behavior intervention plan (if appropriate), and the student may not be disciplined.” ; and
- v) “ Conduct found not to be a manifestation of the student’s disability: If the multi-disciplinary team determines that the student’s conduct is not a manifestation of the student’s disability, the student may be disciplined in the same manner and for the same duration as students without disabilities. If the parent(s) or guardian disagrees with the manifestation determination, the parent(s) or guardian may file an impartial hearing complaint.”
- e) The procedures for conducting a thorough and appropriate functional behavioral assessment (FBA), when appropriate, and developing an effective positive behavior intervention plan (PBIP) based on information in the FBA, by qualified professionals and team members, including parents, who are knowledgeable about the student and his or her behaviors. These procedures shall include a protocol to coordinate the implementation of the PBIP, and to set behavior progress review meetings at appropriate and periodic intervals, depending on the needs and behaviors of the student. The procedures will include a proactive approach to student behavioral issues and will ensure the PBIP is revised by the team in a timely manner, if necessary, based on information obtained during the progress review meetings.
- f) A system of procedural safeguards with respect to actions regarding the identification, evaluation, or educational placement of students who, because of a disability, need or are believed to need special instruction or related services. These procedural safeguards will include, but are not limited to:
- i) A notice of procedural safeguards;
 - ii) An opportunity for the parent(s) or guardian to examine relevant records;
 - iii) An impartial hearing with an opportunity for participation by the parent(s) or guardian of the student and representation by counsel. The parent(s) or guardian may contact the Section 504/Title II Coordinator in writing to request an impartial hearing; and
 - iv) A review procedure (appeal procedure of the impartial hearing decision).
- g) Provision of the District’s notice of procedural safeguards to parents or guardians once a year at the student’s annual review meeting and when:
- i) The District refers a student for an evaluation;
 - ii) A parent or guardian requests a Section 504/Title II evaluation or reevaluation;
 - iii) A parent or guardian requests a copy of the District’s *Section 504/Title II Notice of Procedural Safeguards*;

- iv) The District receives a complaint from the parent or guardian regarding compliance with the identification, evaluation, or educational placement requirements of Section 504 or Title II; and
- v) The District decides to make a removal that constitutes a significant change of placement of a student with a disability because of a violation of a code of student conduct.

REPORTING REQUIREMENT: By **December 15, 2015**, the District will provide to OCR copies of its draft revised Section 504 and Title II policies and procedures (including any handbook) for OCR's review and approval.

ANTI-DISCRIMINATION POLICIES AND PROCEDURES

- 5) The District shall revise its anti-discrimination, anti-harassment, and anti-retaliation policies and grievance procedures to provide for the prompt and equitable investigation and resolution of discrimination complaints,⁷ including the addition or revision of language to address the following:
 - a) A prompt, adequate, reliable, and impartial investigation of discrimination complaints, including the opportunity for both parties to present witnesses and provide evidence;
 - b) Designated and reasonably prompt timeframes for the major stages of the complaint processing;
 - c) Notice to parties of the outcome of the complaint;
 - d) Assurance that if discrimination, including harassment or retaliation, has occurred, prompt and appropriate corrective and remedial actions will be taken;
 - e) An anti-retaliation provision prohibiting retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing;
 - f) The addition of the designated compliance coordinator's required contact information; and

⁷ OCR recommends a combined policy and grievance procedure for complaints of discrimination, harassment, and retaliation based on race, color, national origin, sex, disability, and age.

- g) The incorporation of the applicable grievance procedure requirements set forth in OCR's *Dear Colleague Letter* (April 4, 2011), and subsequent OCR guidance, including, but not limited to, the following:
- i). Language stating that District employees, supervisors, and administrators must promptly report to the designated coordinator any complaints, reports, and observations of, or other information relating to, alleged discrimination, including harassment and retaliation. District employees, supervisors and administrators who receive a complaint of discrimination, harassment or retaliation must provide the complainant with information about filing a complaint of discrimination, including providing a complaint form if requested, and providing contact information for the District's designated coordinator. Such reports must be made even if the information or complaint came to the District employee, supervisor or employee in the course of disciplinary proceedings. If the District uses its disciplinary procedures to investigate and resolve such an alleged discrimination complaint, those disciplinary procedures will comply with the District's standards for its anti-discrimination grievance procedure.
 - ii). Language stating that the District will not delay its investigation of discrimination complaints because an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations.
 - iii). Language requiring a review of the evidence using a preponderance of the evidence standard (for instance, based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred).
 - iv). A written investigative report which shall include: 1) a summary of the facts, 2) an analysis of the appropriate legal standards applied to the specific facts, 3) findings regarding whether discrimination occurred, and 4) if a finding is made that discrimination occurred, the recommended remedy(ies) necessary to eliminate discrimination, prevent its recurrence, and remedy its effects.
 - v). The interim and permanent steps the District will take to stop the discrimination, including harassment and retaliation, remedy the discrimination, harassment, or retaliation, and prevent recurrence, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the complainant and others.
 - vi). The resources, including medical and counseling resources, that are available to students and witnesses.

- vii). An expanded list of designated compliance coordinator duties.⁸
 - viii). A requirement that the designated District employee(s) document all complaints of discrimination, including harassment and retaliation, and that the District establish a protocol for recordkeeping.
 - ix). An assurance that the District will keep the complaint and investigation confidential to the extent possible.
- 6) The District will ensure the revised anti-discrimination, anti-harassment, and anti-retaliation policies contain consistent grievance procedures and those policies and procedures are consistent in all publications.

REPORTING REQUIREMENT FOR ITEMS 5 AND 6 ABOVE: By **December 15, 2015**, the District will provide to OCR copies of its draft anti-discrimination, anti-harassment, and anti-retaliation policies and procedures for OCR's review and approval.

COMMUNICATION OF REVISED POLICIES AND PROCEDURES

- 7) The District shall communicate its revised policies, procedures, and forms required by this Agreement to all District employees and officials by:
- a) Disseminating those revised policies and procedures via the District's electronic communications (email) system; and
 - b) Including those revised policies and procedures on the District's website and in the online and hard-copy student, parent, and employee handbooks in a section entitled *Nondiscrimination* or a similar title.

REPORTING REQUIREMENT: **Within 30 calendar days** following the District's receipt of OCR's approval of all of the District's revised policies and procedures described in this Agreement, the District will provide to OCR a copy of (1) the District's revised policies and procedures in final form, (2) the email message and attachments distributing the revised policies and procedures via the District's email system, and (3) links to the revised policies and procedures on the District's website and in the online student, parent, and employee handbooks. For District hard-copy handbooks that will not be revised until the spring or summer of 2016, the District will provide OCR with copies of those revised hard-copy handbooks no later than **August 5, 2016**.

INDIVIDUAL RELIEF

⁸ See OCR's *Dear Colleague Letter* (April 4, 2011) for additional information. OCR's April 4, 2011 *Dear Colleague Letter* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>.

- 8) X---paragraph redacted---X:
- a) **Within two weeks** after this Agreement is signed, the District shall schedule a meeting at a mutually agreeable date and time, which shall include the parents and other individuals knowledgeable about the Student (Section 504/Title II team or team), to discuss and determine specific compensatory education or services (e.g., one-on-one tutoring outside the academic day, or summer classes or camps that would address or equate to the missed academic time, etc.).
 - b) The team will discuss and determine the type, frequency, duration, and location of appropriate compensatory services that will accommodate the Student's schedule. Compensatory services will be provided at no cost to the complainant's client and will not be scheduled during the Student's school day or other educational and non-academic activities associated with his school. In addition, the provision of any tutoring or educational programs will be provided by qualified teachers or staff.
 - c) The District and the complainant's client (or mother) may mutually agree to change the schedule of compensatory services, including the type of compensatory services, based on the individual needs of the Student, which may change over time. If the parties change the schedule or type of compensatory services, the change will be reflected in a written agreement signed and dated by the District and the mother.
 - d) The District will offer transportation to and from the location of the compensatory services, unless the mother declines transportation. The District also may reimburse the mother for round-trip mileage from her residence or other location to the location of compensatory services, for each day of the Student's compensatory services sessions if the mother chooses to transport the Student instead of accepting transportation from the District.
- 9) The District will provide to the mother via email a copy of the District's notice of the procedural safeguards prior to the team meeting, and will copy OCR on the correspondence.
- 10) The District shall not be obligated to provide specific compensatory services if the mother declines those services in writing or does not respond to the District's offer within two weeks of the date of the District's offer. If the mother does not make the Student available at the scheduled date or time for a compensatory service, that service will be considered waived by the mother for that day or time, unless the Student is physically ill and at least four (4) hours of advance notice is given, in which case the missed service will be rescheduled.

REPORTING REQUIREMENTS FOR ITEMS 8-10, ABOVE:

- a) **Within three weeks** after the conclusion of the team meeting required above, the District will submit to OCR documentation of its determinations for OCR's review and approval, including but not limited to:
 - i) An explanation of the information considered and the decisions made by the team regarding the amount and type of any compensatory services;
 - ii) A copy of the plan to deliver compensatory services to the Student, including the type, frequency, duration, and location of these services, the individual(s) responsible for implementing the plan, and the anticipated start and ending dates for the services;
 - iii) A copy of the team meeting documentation, including a list of participants (by name and title); and
 - iv) A copy of the meeting notice.
 - b) After receiving OCR's approval of the documentation submitted, the District will send a letter via email to the Complainant enclosing a schedule of the specific compensatory services, classes, or programs OCR approved, including the anticipated dates and amount of compensatory services. The letter will be sent **within one week after OCR's approval of the documentation submitted**, and the OCR staff member will be copied on the letter.
 - c) The District will maintain a log specifying the date and the start and end time that compensatory services were provided to the Student for each session, class, or program. The District will provide OCR a copy of the log **at the end of each academic semester (and summer, if applicable)** via email until the District has provided the required amount of compensatory services.
- 11) If the Complainant declines to participate or does not participate or respond to the District's invitation for a team meeting (pursuant to paragraph 8, above) after two (2) weeks have passed since the invitation was issued, the District's obligations under this individual relief section will be deemed to have been met.

TRAINING

- 12) By **March 1, 2016**, the District will provide training on the subject of Section 504 and Title II compliance and the anti-discrimination, anti-harassment, and anti-retaliation requirements of those laws, to District officials and staff, including but not limited to, administrators, teachers, substitute teachers, staff, paraprofessionals, counselors, and the designated Section 504/Title II compliance coordinator and investigator(s). The training will be conducted by an individual(s) knowledgeable about the laws and issues pertaining to disability discrimination, and in particular Section 504 and Title II. The training will include:

- a) A discussion and distribution to trainees of the District's revised Section 504 and Title II policies and procedures, including:
- b) The general anti-discrimination provisions of Section 504 and Title II;
- c) The prohibition of excluding from school or shortening the school day for students with disabilities, unless the student's Section 504/Title II (or IEP) team determines that shortening the student's school day is necessary based on appropriate and valid information and documentation, such as for medical reasons;
- d) A detailed discussion of the District's obligations and procedures for conducting functional behavior assessments, developing positive behavior intervention plans (PBIP), effectively implementing PBIPs, periodically reviewing and revising PBIPs, when necessary, and disciplining students with disabilities;
- e) The revised procedural safeguards notice and when to provide the notice to parents or guardians; and
- f) A discussion and distribution to trainees of the District's revised notice of nondiscrimination and revised anti-discrimination, anti-harassment, and anti-retaliation policies and grievance procedure, including how to file a complaint of discrimination.

REPORTING REQUIREMENT: By **March 15, 2016**, the District will provide to OCR documentation showing it has completed the training set forth above. The documentation must identify the:

- a) Date, time, and location of the training;
 - b) Topics addressed at the training (the District may provide OCR an outline of the training and copy of the materials disseminated at the training);
 - c) Name(s), title(s), and credentials of the individual(s) who conducted the training; and
 - d) Name, title, and work location of each employee who attended the training (a sign-in sheet with the attendees' names, signatures, titles, and work locations is sufficient).
- 13) 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, which were at issue in this case.

14) 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 the regulations implementing Section 504 and Title II, which were at issue in this case.

15) 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 60 (sixty) calendar days to cure the alleged breach.

The person(s) signing for the District represents that he is authorized to bind the District to this Agreement.

For the District:

“/s/Thomas Cameron
Thomas Cameron
Superintendent of the District

11/13/15
Date