

VOLUNTARY RESOLUTION AGREEMENT

Liverpool Central School District Case No. 02-18-1091

In order to resolve Case No. 02-18-1091, the Liverpool Central School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Plan for Remedial and/or Compensatory Education for the Student

By June 15, 2018, the District will make a written offer to the complainant and the Student to meet with District staff to discuss appropriate remedial and/or compensatory education that the District can provide to the Student for educational services missed as a result of the Student's pregnancy during school year 2017-2018. The written offer will specify that the complainant and the Student have thirty (30) calendar days to respond in writing. If the complainant and/or the Student accepts the offer to meet, the District and the complainant and/or the Student will meet at a mutually convenient time and location, which shall take place on District property, and by no later than August 15, 2018, to determine the appropriate remedial and/or compensatory education that the District can provide to the Student for educational services missed as a result of the Student's pregnancy during school year 2017-2018. On or before September 5, 2018, the District will submit for OCR's review the plan for providing the Student with remedial and/or compensatory education (the plan). The District's submission should include a description of any provisions that the complainant and/or Student proposed that the District denied, and why; and, an explanation of why the District believed that the plan was appropriate for the Student. Within 20 days of OCR's approval of the plan, the District will provide documentation to OCR demonstrating that the District has taken steps to begin implementation of all actions identified in the plan.

Reporting Requirements:

- (a) By June 30, 2018, the District will submit to OCR a copy of the written offer it issued to the complainant on or before June 15, 2018.
- (b) By July 31, 2018, the District will inform OCR whether the complainant or Student responded to the written offer, and if so, the date of the meeting.
- (c) By September 5, 2018, the District will submit for OCR's review the plan for providing the Student with remedial and/or compensatory education, consistent with Action Item 1 above.

- (d) By October 31, 2018, the District will provide documentation to OCR demonstrating that the District has taken steps to begin implementation of all actions identified in the plan.

Action Item 2: Training

By September 15, 2018, the District will provide training to District staff and administrators, whom the District deems appropriate, regarding the District’s obligations under Title IX, Section 504 and the ADA to accommodate and not discriminate against pregnant students. The training will also address the process for informing students and their parents/guardians, in writing, regarding any accommodations and/or education alternatives available due to a student’s pregnancy or disability; and, documenting communications with students and their parents/guardians regarding which options they have chosen, whether and when that option has been approved, and how the accommodation(s) will be implemented.

Reporting Requirement: By September 30, 2018, the District will provide documentation to OCR demonstrating that it has provided relevant District staff and administrators with the training outlined in Action Item 2 above, including the name of the individual(s) providing the training; a list of individuals attending; the date of the training; and, copies of all materials disseminated.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Title IX and its implementing regulation at 34 C.F.R. § 106.40, Section 504 and its implementing regulation at 34 C.F.R. § 104.4, and the ADA and its implementing regulation at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR will close this case.

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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

June 4, 2018
Date

_____/s/_____
Mark Potter, Superintendent
Liverpool Central School District