

VOLUNTARY RESOLUTION AGREEMENT

Virgin Islands Department of Education

Case No. 02-21-1251

In order to resolve Case No. 02-21-1251, the Virgin Islands Department of Education (VIDE) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions pursuant to the requirements of 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:

By February 4, 2022, the VIDE will extend to the Complainant a written offer for the Student to complete the following three courses from the spring 2021 semester asynchronously, via the XXXXXX platform: XXXXXX (hereinafter, the Courses). The VIDE will permit the Student to complete the Courses on XXXXXX through March 31, 2022, after which the VIDE will replace the Student's final grades in the Courses for school year 2020-2021 with the grades the Student earned on XXXXXX. The VIDE will provide to the Complainant a report card and/or transcript that reflects the updated final grades for the Courses for school year 2020-2021.

Reporting Requirement:

By April 15, 2022, the VIDE will submit documentation to OCR substantiating its completion of the requirements of Action Item 1, including (a) a copy of the written offer to the Complainant; (b) a copy of the Student's updated report card and/or transcript reflecting the updated final grades for the Courses for school year 2020-2021, the names of the staff members who reviewed the Student's coursework on XXXXXX, and an explanation for how the final grades were calculated; and (c) documentation demonstrating that the VIDE provided to the Complainant a report card and/or transcript that reflects the updated final grades for the Courses for school year 2020-2021.

Action Item 2:

By March 31, 2022, the VIDE will provide training to all staff members and administrators who were responsible for developing, implementing and monitoring the Student's accommodations during the spring 2021 semester, regarding the VIDE's obligation to ensure that the accommodations are fully and timely implemented.

Reporting Requirement: By April 15, 2022, the VIDE will submit documentation to OCR demonstrating that the VIDE provided training in accordance with Action Item 2 above, including the name and credentials of the trainer(s); the date(s) of the training; the agenda and/or a summary of the material covered; copies of any training materials distributed; and a list of attendees, by name and title.

The VIDE understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the VIDE understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the VIDE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the VIDE has fulfilled the terms and obligations of the resolution agreement. Upon the VIDE's satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The VIDE understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will provide the VIDE written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the VIDE's representative below.

1-31-22

Date

/s/

Honorable Racquel Berry-Benjamin
Commissioner
Virgin Islands Department of Education