

Resolution Agreement
OCR Complaint #03141185
Donegal School District

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), the Donegal School District (the District) voluntarily enters into this Resolution Agreement (the Agreement) to ensure compliance with 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 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35. This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

Action Step 1

The District acknowledges its obligation under Section 504 and Title II to ensure that no person, on the basis of disability, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District program or activity. The District also recognizes its obligations under Section 504 and its implementing regulation, at 34 C.F.R. § 104.33, to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction and 34 C.F.R. § 104.33, regardless of the nature or severity of the individual's disability. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement education programs (including Individualized Education Programs and Section 504 Plans) for students with disabilities. By January 30, 2015, the District shall disseminate a memorandum to all administrators and staff in the District who are involved in the delivery of services to students with disabilities attending District schools, reminding them of these obligations under Section 504 and Title II. The memorandum will also remind staff that the District may not require parental participation in field trips and other District activities in order to ensure adequate monitoring of a student's safety due to his/her disability.

Reporting Requirement

By February 15, 2015, the District shall submit to OCR a copy of the memorandum, a list of the names and titles of the persons who received the memorandum, and an explanation of the manner in which it was distributed.

Action Step 2

By January 30, 2015, after proper notice to the Student's parents, the District will convene a group of knowledgeable persons (including the parents) to review the Student's existing IEP, any new or additional information the complainant provides, and any other relevant information regarding the Student's XXXXXX and the necessary accommodations to ensure XXXXXX participate in all District programs and activities, including XXXXXX. In making these determinations, the team will adhere to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). If the team modifies XXXXXX IEP as a result of this meeting or at any time in the future, the District will continue to take all steps necessary to ensure the full implementation of the provisions of XXXXXX IEP. The District will provide written notice to all administrators, teachers, and staff responsible for providing services

