

**Voluntary Resolution Agreement**  
**Jim Thorpe Area School District**  
**OCR # 03-15-1189**

In order to resolve the allegations in the above referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) against Jim Thorpe Area School District (District) under 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, which prohibit discrimination on the basis of disability, the District voluntarily enters into this Resolution Agreement (Agreement) and makes the following commitments to OCR.

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 Steps:**

1. The District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. § 104.33 to provide a free appropriate public education to each qualified student with a disability in its jurisdiction. Further, the District recognizes its obligation under the regulation implementing Section 504 at 34 C.F.R. §§ 104.35 and 104.36 to respond timely to requests to evaluate students for suspected disabilities.
2. The District assures OCR that it will discipline students in a manner consistent with its disciplinary policies and procedures and commensurate with their culpability for the misconduct.
3. The District acknowledges that, pursuant to 34 C.F.R. §§ 100.7(e) and 104.61 and 28 C.F.R § 35.134, it may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation or other matter in connection with a complaint. The District recognizes that retaliation (any adverse action, including, but not limited to, coercion, threats or intimidation) against an individual who has engaged in a protected activity or participated in the resolution process of complaints alleging discrimination in violation of statutes and regulations enforced by OCR, is prohibited under these regulations
4. By December 1, 2015, the District will disseminate a memorandum (this memorandum can be sent electronically) to all staff and administrators at the XXXXXX (School) responsible for coordinating evaluations and education services for students with disabilities and those who administer student discipline, reminding them of these obligations under Section 504 and Title II and containing the language as stated in Action Step 1-3 above.

**Reporting Requirements:**

By January 30, 2016, the District will submit evidence of the date and method of the distribution of the memo required by Action Step 4, including a list of the persons who received it, by name and title.

5. x – paragraph - x

**Reporting Requirements:**

a) By January 30, 2016, the District will submit to OCR documents supporting the group's decision for its review and approval. The documentation submitted shall include evidence of the participants in the meeting, the information considered, an explanation for decisions made, XXXXXX. x – paragraph – x.

- b) x – paragraph - x

6. The District will submit documentation to OCR regarding any XXXXXX for the 2015-2016 school year, which will include a description of the incident, any incident reports, investigation notes and interviews, and discipline imposed. XXXXXX.

**Reporting Requirements:**

- a) By January 30, 2016, the District will submit documentation and reports pursuant to Action Step 6 for the first half of the school year, through December 31, 2015.
  - b) By June 30, 2016, the District will submit documentation and reports pursuant to Action Step 6 for the second half of the school year, through the end of the 2015-2016 school year.
7. The District will conduct an assessment of the XXXXXX and determine whether it XXXXXX. If it is determined that there are XXXXXX, the District will propose an XXXXXX.

**Reporting Requirement:**

By December 1, 2015, the District will submit its report to OCR, for its review and approval, regarding XXXXXX and submit recommendations, as appropriate, XXXXXX.

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: 34 C.F.R. §§ 100.7(e), 104.33, 104.35-104.36, 104.61 and Title II, at 28 C.F.R. §35.134.

The District also understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient 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: 34 C.F.R. §§ 100.7(e), 104.33, 104.35-104.36, 104.61 and Title II, at 28 C.F.R. §35.134.

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.

October 28, 2015  
Date

/s/  
Jim Thorpe Area School District