

## **Voluntary Resolution Agreement**

Penn Hills School District  
OCR Docket Number  
03-16-1878

The U.S. Department of Education, Office for Civil Rights (OCR) and Penn Hills School District (the District) enter into this agreement to resolve the allegations in the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35.

### **Action Step #1**

The District recognizes its obligation under the regulation implementing Section 504:

- (a) at 34 C.F.R. § 104.33 to provide a free appropriate public education to each qualified student with a disability in its jurisdiction;
- (b) at 34 C.F.R. § 104.35 to ensure that placement decisions (i.e. at IEP meetings, manifestation determination meetings, etc.) are made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options
- (c) at 34 C.F.R. § 104.36 to provide procedural safeguards to parents and guardians; and

By August 31, 2018, the District will disseminate a memorandum (this memorandum can be sent electronically) to all District level administrators, staff and administrators at XXXXXX, including the District's XXXXXX, reminding them of these obligations under Section 504.

**Reporting Requirement:** By September 15, 2018, the District will provide OCR with a copy of the memorandum sent to the administrators and staff set forth in Action Step #1, including the names and titles of all recipients of the memorandum and the District's method of distribution.

### **Action Step #2**

XX – paragraph redacted – XX

**Reporting Requirement:** XX – paragraph redacted – XX

### **Action Step #3**

XX – paragraphs redacted – XX

**Reporting Requirement:** XX – paragraphs redacted – XX

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 the regulation implementing Section 504 , at 34 C.F.R. , and the regulation implementing Title II , at 28 C.F.R. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 shall 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.

/s/

7/26/18

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Dr. Nancy Hines  
Superintendent  
Penn Hills School District

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Date