

VOLUNTARY RESOLUTION AGREEMENT

Daviess County Schools OCR Case No. 03-17-1136

The Daviess County Schools (the District) agrees to fully implement this Voluntary Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 03-17-1136. This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR of any violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Step 1

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. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.35(a) to conduct an evaluation in accordance with the requirements of Section 504 of any student who, because of disability, needs or is believed to need special education or related services. By July 1, 2017, the District will disseminate a memorandum to all administrators, faculty, and staff members at Daviess County Middle School and Daviess County High School (the Schools), reminding them of the above requirements.

Reporting Requirement: By July 31, 2017 the District will provide OCR with a copy of the memorandum and the distribution list, including the names/titles of the recipients.

Action Step 2

XXX—paragraphs redacted —XXX

The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, , and Title II, at 28 C.F.R. §35.134, which were at issue in this case.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.134, which were at issue in this case.

Daviess County Schools

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/
Superintendent or designee
Daviess County Schools

5/17/17
Date