

**Voluntary Resolution Agreement
Doddridge School District
OCR # 03181029**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Doddridge School District (the District) enter into this Agreement to resolve Allegations XXXX, XXXXX of the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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) and Title II of the Americans with Disabilities Act of 1990 (the ADA) and their implementing regulations, at 34 C.F.R Part 104 and 28 C.F.R. Part 35, which prohibit discrimination based on disability.

Prior to the completion of OCR's investigation, the District agreed to resolve Allegations XXXX XXXXX of this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve this allegation, the District agrees to take the following actions.

Action Step # 1 - Issuance of Memoranda

The District recognizes and affirms its responsibility to provide a Free Appropriate Public Education (FAPE) to each qualified student with a disability and to fully implement the educational programs of students with disabilities, including all of the provisions in their Section 504 Plans. The District confirms that it complies with the following provisions of the Section 504 implementing regulations:

34 C.F.R. § 104.33 (a), requiring school districts to provide a free appropriate public education (FAPE) to each qualified student with a disability who is in the recipient's jurisdiction, regardless of the nature or severity of the student's disability and 34 C.F.R. §104.33 (b)(1), defining an appropriate education as the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met and (ii) are based upon adherence to procedures that satisfy the requirements of §§ 104.34, 104.35, and 104.36.

The District recognizes and affirms 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 or treated differently on the basis of disability. The District acknowledges its obligation not to treat students with disabilities differently than non-disabled students, generally and specifically, with respect to discipline or other actions that are taken in response to their behaviors or conduct, unless such treatment is consistent with the student's Section 504 Plan or IEP, as applicable. The District further commits not to exclude students with disabilities from participation in its programs and activities, or impose different conditions or restrictions upon their participation, and ensures that they will participate to the same extent as nondisabled students, unless otherwise specified in a student's Section 504 Plan or IEP, as applicable.

The District shall issue a memorandum containing the language above and disseminate it to its Director of Special Education and Special Education Supervisors at the District level and the administrators and staff at the XXXXXXXXXXXXXXX (the School) who are involved in the provision of services to students with disabilities.

Reporting Requirement: By April 1, 2019, the District shall submit to OCR a copy of the memorandum required under Action Step 1, a list of the names and titles of the persons who received the memorandum(s), and an explanation of the manner in which it was distributed.

XX – Paragraphs Redacted --XX

Conclusion

The District understands that by signing the 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 District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The District 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 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/_____
Superintendent or Designee

_____/2/5/19_____
Date