

Voluntary Resolution Agreement
Haverford Township School District (the District)
Complaint #03191166

The U.S. Department Education, Office for Civil Rights (OCR) and the Haverford Township School District (the District) enter into this Voluntary Resolution Agreement (Agreement) to resolve 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), as amended, 29 U.S.C. Section 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. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues presented in this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues under investigation, the District agrees to take the actions outlined below.

Action Items

1. By September 30, 2019, after providing proper written notice to the Complainant, a group of persons knowledgeable about the student, including the Complainant, will convene an IEP Team meeting to determine whether the Student incurred an educational loss as a result of any alleged failure to implement the Student's 504 Service Agreement during the 2018-2019 school year, including the alleged failure to:
 - a. Seat the Student in close proximity to teacher whenever possible.
 - b. Assist the Student with organization of his binders and notebooks.
 - c. Assist the Student in developing ways to organize his responses in a sequential manner. (i.e., have him create an outline to organize his thoughts, etc.)
 - d. Work with the Student on ways to analyze each cited evidence so that his responses are detailed and thought-out in open-ended responses when citing evidence.

In making these assessments, the IEP Team will adhere to the requirements prescribed by Section 504 and its implementing regulation, at 34 C.F.R. Section 104.34 (educational setting) 34 C.F.R. Section 104.35 (evaluation and placement) and 34 C.F.R. Section 104.36 (procedural safeguards). If the IEP Team determines that the Student incurred an educational loss as a result of the alleged failures set forth in a.-d. above, within 1 week of its determination, the IEP Team will develop a plan for providing timely compensatory and/or remedial services. Further, if the IEP Team determines that the Student's educational program requires modification, the IEP Team will revise Student's IEP within one week of the date of the IEP Team meeting.

The District will provide the Complainants notice of the procedural safeguards including the right to challenge the Team's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.
- b. By October 30, 2020 (if appropriate), the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

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 and obligations of this Agreement. 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.

/s/, Director of Pupil Services and Special Education
Name and Title (District Superintendent or designee)

7/16/20
Date