Voluntary Resolution Agreement Cabell County Schools Complaint #03-10-1220

The U.S. Department Education, Office for Civil Rights (OCR) and the Cabell County School (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

Reporting Requirements

- 1. By September 15, 2020, the District will provide OCR with documentation that it sent the notice required by Action Step 1 to the Complainant.
- 2. If the Student re-enrolls in the District during the 2020-2021 school year, within 30 days of her re-enrollment, the District will submit to OCR documents showing that the

meeting set forth in Action Step 1 took place, the outcome of that team meeting, and that procedural safeguards were provided to the Complainant.

- 3. If the Complainant invokes the procedural safeguards, the District will provide OCR with notice of the outcome of those proceedings within 30 days of a final decision being rendered.
- 4. If the Complainant does not re-enroll the Student in the District during the 2020-2021 school, within 30 days of the last day of school of the 2020-2021 school year, the District will provide OCR with written notice that he did not do so.

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/	9-1-2020
Name and Title (District Superintendent or designee)	Date