

Voluntary Resolution Agreement
Berkeley County Public Schools – OCR Complaint No. 03191249

The U.S. Department of Education (Department), Office for Civil Rights (OCR) enters into this Agreement to resolve the above-referenced complaint with the Berkeley County Public Schools (the District). This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District agrees to 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 (Title II) and their respective implementing regulations, at 34 C.F.R Part 104 and 28 C.F.R. Part 35, which prohibit discrimination based on disability and retaliation.

Prior to the completion of OCR’s investigation, the District agreed to resolve the complaint pursuant to Section 302 of OCR’s Case Processing Manual. Accordingly, to resolve the complaint, the District agreed to take the following actions.

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 (FAPE) 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. § 104.33 to fully implement Section 504 Plans for students with disabilities. Further, the District recognizes its evaluation and placement obligations under the regulation implementing Section 504 at 34 C.F.R. §§ 104.34-104.36.
2. The District acknowledges that, pursuant to 34 C.F.R. §106.61 and 28 C.F.R. § 35.134, it may not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation or other matter in connection with a complaint. The District recognizes that retaliation (any adverse action, including, but not limited to, coercion, threats or intimidation) against an individual who has engaged in a protected activity or participated in the resolution process of complaints alleging discrimination in violation of statutes and regulations enforced by OCR, is prohibited under these regulations.
3. The District will disseminate a memorandum (this memorandum can be sent electronically) to all staff and administrators regarding the obligations set forth in Steps 1-2.

Reporting Requirement: By January 31, 2020, the District will provide OCR with a copy of the memorandum and documentation to all staff and administrators demonstrating that it has been distributed, including the method of distribution, and the identity of the recipients.

XX – Paragraphs Redacted – XX

The District understands that by signing this Agreement, they agree 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 have 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 cases.

The District understands and acknowledge 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.

/s/

8-21-19

District Designee

Date