

**Voluntary Resolution Agreement
Interboro School District
OCR Case Number 03221121**

The Interboro School District (the District) agrees to resolve the above-referenced complaint by voluntarily entering into this Resolution Agreement (Agreement) with the U.S. Department of Education's Office for Civil Rights (OCR). 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 ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 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 raised 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 Steps – Memorandum

1. The District acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction in accordance with Section 504 at 34 C.F.R. § 104.33, and Title II at 28 C.F.R. § 35.130, including adherence to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards).
2. The District acknowledges that retaliation is prohibited under the Section 504 implementing regulation at 34 C.F.R. Section 104.61, which incorporates by reference the procedural provisions of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Sections 2000d-d6, and its implementing regulation at 34 C.F.R. Section 100.7(e). The regulation implementing Title II at 28 C.F.R. Section 35.134 similarly prohibits retaliation by public entities.
3. By XX the District will disseminate a memorandum to all administrators, faculty, and staff members at the High School (the School) reminding them that retaliation is prohibited under Section 504 and Title II. The memo will specifically state that retaliatory conduct is prohibited by law and that effective action, including disciplinary action where appropriate, will be taken against administrators or staff found to engage in retaliatory conduct.
4. By XX, the District will disseminate a memorandum to the Student's XXXXXXXXXXXX reminding him that retaliation is prohibited under Section 504 and Title II, and reminding him of his obligation to follow the requirements of Section 504 and Title II in implementing plans. The memo will specifically state that offensive and disparaging comments regarding a student's disability status is prohibited by law. The memo will also specifically state that such conduct may warrant disciplinary action.

REPORTING REQUIREMENT

By XX, the District will provide to OCR a copy of the memorandum sent to all administrators, faculty, and staff members pursuant to Action Step #3.

By XX, the District will provide OCR with a copy of the memorandum sent to the XXX XXXX pursuant to Action Step #4.

Action Steps – Training

5. The District agrees to provide training regarding the requirements of Section 504 and Title II, and the provisions prohibiting retaliation, to all administrators, faculty, and staff members at the School prior to the end of the 2022-2023 school year. The training will address the responsibility to implement Section 504/IEP Plans, communicate in a respectful manner regarding the disability status of students, and the prohibition of retaliation under Section 504 and Title II. The training will be conducted by District personnel knowledgeable about the laws and issues pertaining to Section 504 and Title II. The District will develop the training materials in consultation with OCR.

REPORTING REQUIREMENT

By XX and prior to conducting the training required in Action Step #5, the District will provide to OCR its proposed training materials for OCR's review and approval.

By XX, the District will provide OCR documentation of its completion of the training conducted pursuant to Action Step #5. This documentation will include certification from the Superintendent that the training has been conducted, the title of the individual(s) who conducted the training, and sign-in sheets indicating the administrators, faculty, and staff members who attended the training and the date(s) on which the training was conducted.

Action Steps – Meeting

6. By XX, the District will convene the Student's multidisciplinary team to determine whether the Student suffered an educational loss during the XXXXXX school year due to the District's failure to implement the Student's Section 504 Plan and/or due to the Student's interactions with XXXXXXXXXX. The District will invite the Complainant, in writing via regular mail as well as by email, to attend the meeting, at least fifteen (15) days in advance of the meeting, unless the Complainant agrees to waive this requirement. If the District determines that the Student suffered an educational loss, the District will assess whether the Student requires any compensatory or remedial services as a result, and develop a schedule for implementing the services, as appropriate. In making this determination, the team will adhere to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards). The District will ensure that accurate meeting minutes are kept to document this meeting, including documenting information considered from all sources and all decisions made by the team.

7. Within fifteen (15) days of the meeting required by Action Step #6, the District will provide the Complainant with written notice, by regular mail and email, of the outcome of the meeting. If it is determined that the Student experienced an educational loss during the XXX XXX school year and compensatory education or other remedial educational services will be provided to the Student, the written notice will provide:
 - a) a description of the compensatory and/or remedial educational services to be provided;
 - b) the subject areas covered;
 - c) the amount of services; and
 - d) where and when the services will be provided, including the appropriate beginning and ending dates for the services.

The compensatory education or other remedial services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program. If the team determines that no educational loss occurred, the District will provide an explanation of its decision to the Complainant, including the basis for its decision, along with a notice of the procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.

REPORTING REQUIREMENT

Within 21 days of the team meeting required by Action Step #6 and the team's decision regarding compensatory education, the District will provide OCR with documentation demonstrating that it held the required meeting and determined whether the Student requires compensatory education. OCR will review the documentation submitted by the District to ensure that the District has met the procedural and other requirements of the Section 504 implementing regulation, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

The documentation submitted shall include:

- a) the written offer sent to the Student's parent for the multidisciplinary meeting;
- b) a list of meeting participants;
- c) the information considered by the team;
- d) an explanation for all decisions made, including the team's decision as to whether the Student suffered an educational loss;
- e) a description of the types of compensatory education or other remedial service options discussed;
- f) a description of and schedule for providing compensatory and/or other remedial services the Student for educational loss (if any);
- g) the notice of procedural safeguards provided to the Complainant; and
- h) a copy of the meeting minutes.

If the District determines that the Student is eligible to receive compensatory and/or other remedial services, the District will provide documentation to OCR of the dates, times, and locations that the services were provided, a description of what was provided, and the name(s) of the service provider(s) within **15 days** of the conclusion of services.

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 and is in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, that were at issue in this case. Upon the District's satisfaction of the terms and obligations of the resolution agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104, and Title II and its implementing regulation, 28 C.F.R. Part 35 that were at issue in this case, 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 statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 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

_____/2/21/2023_____
Date