

**Voluntary Resolution Agreement
Norwin School District
OCR No. 03221219
Philadelphia Office**

The U.S. Department of Education, Office for Civil Rights (OCR) and Norwin School District (the District) enter into this Voluntary Resolution Agreement (Agreement) to resolve allegation 3 in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. Prior to the completion of OCR's investigation, the District agreed to resolve allegation 3 of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM).

The District assures OCR that, to resolve the issues of this investigation, 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, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

ACTION STEP 1 AND REPORTING REQUIREMENTS

Within 30 days of signing this agreement, the District will convene a multidisciplinary team (Team) meeting to include relevant educational specialists who have knowledge about Student 2, to discuss how each of her approved accommodations are to be implemented in XXXXXX XXXXXXXXXXXXXXXXXXXX and determine whether Student 2 suffered any educational loss. Specifically, the Team will:

1. discuss and come to a determination on how each of the following accommodations, as written, are expected to be implemented XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.
2. determine whether the Student 2 suffered any educational loss and/or is entitled to compensatory education or remedial services due to the District's alleged failure to implement supports in Student 2's Section 504 XXXXXXXXXXXXXXXXXXXX.

The District will invite Student 2's parents to attend the meeting at least 15 calendar days in advance of the meeting and will allow them seven (7) calendar days from the date of receipt of the letter to submit a written response to the invitation.

If the Team determines that the Student 2 suffered an educational loss, it will then determine whether the loss entitles the Student 2 to compensatory education services. 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 provide Student 2's parents with a meaningful opportunity to provide input into the Team's determination.

If the Team determines that Student 2 is entitled to compensatory education or services, the Team will develop a plan for providing the required education or services, and the District will provide such education or services in addition to any other service to which Student 2 is entitled.

Within 5 school days of the Team meeting, a District representative who attended the meeting will meet with each of Student 2's teachers who did not attend the meeting, to review how each of the accommodations is expected to be implemented XXXXXX. The District may hold the meetings with teachers individually or as a group.

Reporting Requirement:

1. Within 45 days of signing this Agreement, the District will submit, for OCR's review and approval, (i) documentation reflecting the Team's decision and showing that the meeting required by Action Item 1 took place, and (ii) documentation showing that a meeting or meetings were held with any teacher who did not attend the Team meeting to discuss Student 2's accommodations, including the date of the teacher meeting and the attendees.

Before approving the District's decision and plan for providing any proposed services, OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.35 and 104.36, in making its determination. The documentation submitted shall include: a copy of the invitation to Student 2's parents; a list of attendees by name and title; the information considered by the Team; an explanation for all decisions made, including the Team's decision as to whether Student 2 suffered an educational loss; a description of the types of compensatory education or other remedial service options discussed, if applicable; a description of and schedule for providing compensatory and/or remedial services to the Student for educational loss (if any); confirmation that the procedural safeguards were provided to Student 2's parents; and a copy of any meeting minutes or notes.

2. Within 15 calendar days of OCR's approval of the Team's decision described in Action Step 1 above, the District will provide Student 2's parents with written notice of the outcome of the meeting, including: a description of any educational loss; a description of any compensatory educational services to be provided; and the appropriate beginning and ending dates for these services, as applicable.
3. Within 30 days of OCR's approval of the Team's decision described in Action Step 1, the District will submit to OCR documents with respect to compensatory education, in accordance with the following:
 - a. If compensatory educational services are determined to be necessary for the Student 2, the District will inform Student 2's parents and provide 15 calendar

days to respond to the offer. The notice will also inform Student 2’s parents of the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If compensatory services are warranted, and the Complainants accept the District’s offer, the District agrees to begin providing the compensatory services within 15 calendar days from the date Student 2’s parents accept the District’s offer.

- b. If the Team determines that no educational loss occurred or that no compensatory services are necessary, the District will provide in its written notice to Student 2’s parents a written explanation of its decision, along with a notice of the procedural safeguards.

ACTION STEP 2 AND REPORTING REQUIREMENTS

The District acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified student with a disability, regardless of the nature or severity of the student’s disability in accordance with Section 504 at 34 C.F.R. § 104.33, and Title II at 28 C.F.R. § 35.130. In addition, the District recognizes its obligations under Section 504 at 34 C.F.R. § 104.33 to fully implement education programs, including Individualized Education Programs (IEP) and Section 504 Plans, for students with disabilities.

Within 30 days of signing this agreement, the District shall distribute a memorandum to all staff at XXXXXXXXXXXXXXXXXXXXXXXX reminding them of their obligations as set forth above.

Reporting Requirement:

Within 45 days of signing this Agreement, the District will submit to OCR a copy of the memorandum issued along with a list of the School personnel, by name and title, who received the email message referenced in Action Step #2.

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By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the 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 of the Agreement.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of this Agreement and with Section 504, Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute(s) and regulation(s). 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

_____/1/12/23_____
Date