

RESOLUTION AGREEMENT
Viborg-Hurley School District
OCR Case Number: 07-18-1136

The U. S. Department of Education, Office for Civil Rights (OCR) and Viborg-Hurley School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in 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, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The District agreed to resolve the complaint prior to the completion of OCR's investigation pursuant to OCR's Rapid Resolution Process and Section 302 of OCR's *Case Processing Manual*.¹ Accordingly, the District agrees to take the following actions:

INDIVIDUAL STUDENT REMEDY

1. At all times during the 2018-19 school year and thereafter, the District will fully implement the Student's Section 504 plan.² The District will disseminate the Student's Section 504 plan to all of his teachers in all educational sites that the Student attends. The Student's teachers shall document their respective daily compliance with the special education and related services provided for in the Student's Section 504 plan.

REPORTING REQUIREMENT: The District will provide OCR documentation that confirms the District has complied with Paragraph 1 above on or before December 31, 2018, for the first semester of the 2018-2019 school year and on or before June 30, 2019, for the second semester of the 2018-2019 school year. Documentation should include, but is not limited to, verification of the Section 504 plan's dissemination to the Student's teachers and each teacher's daily log compliance with the Section 504 plan.

SECTION 504 TRAINING FOR SCHOOL STAFF AND ADMINISTRATORS

2. **On August 20, 2018,** the District will provide Section 504/Title II training³ to all Viborg-Hurley High School administrators, teachers and staff, including the designated contact person(s) for complaints of discrimination under Section 504/Title II and all individuals responsible for implementing Section 504/Title II. The training must include, at a minimum, the following:
 - a. how to identify individuals with a disability consistent with Section 504 and the Americans with Disabilities Act Amendments Act of 2008;

¹ The *Case Processing Manual* is available on OCR's website at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

² "Student" refers to the Complainant's son.

³ The training may be completed in-person or electronically. OCR is available to provide the training upon request.

- b. the role of the District's Section 504 coordinator;
- c. the District's procedure for referring a student for a Section 504 evaluation;
- d. a review of the District's obligation to provide a free appropriate public education to each qualified student with a disability in its jurisdiction;
- e. a review of the District's obligation to ensure that the evaluation and placement process includes consideration of information from a variety of sources, including input from parents/guardians;
- f. a review of the District's obligation to ensure that parent(s) or guardians of a child with a disability are provided notice with respect to identification, evaluation, or placement of the child;
- g. a review of the District's obligation to ensure that determinations as to whether a student is a qualified individual with a disability are made by a group of individuals knowledgeable about the student, including the student's parent or guardian;
- h. a review of the District's obligation to ensure Section 504 meetings are conducted in accordance with Section 504 and the implementing regulation, at 34 C.F.R. Section 104.35 (evaluation and placement) and Section 104.36 (procedural safeguards);
- i. identification of the full range of services that can be provided under Section 504, including special education and related aids and services;
- j. the District's obligation to consider the appropriateness of disciplining a student with a disability when the student's alleged misconduct or behavior is potentially a result of that student's disability; and
- k. a review of the District's obligation to implement the Section 504 plan and ensure that the District monitors the implementation of the Section 504 plan.

REPORTING REQUIREMENT: Within thirty (30) days of completing the training required in Paragraph 2, the District will provide OCR documentation showing it has completed the training described above.

GENERAL REQUIREMENTS

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. 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 of this Agreement and is in compliance with: the regulation implementing

Section 504 at 34 C.F.R. § 104.33 and the regulation implementing Title II at 28 C.F.R. § 35.130, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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.

Peggy Petersen, Superintendent
Viborg-Hurley School District

Date