

**Voluntary Resolution Agreement  
Douglas County School District  
OCR Case Number 08-17-1433**

OCR and the Douglas County School District (District) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights, (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 Code of Federal Regulations 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 of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**REQUIRED ACTIONS:**

1. The District will notify the Complainant, in writing, that the Student is welcome to re-enroll at any time at any school in the District, including the STEM School & Academy. The notification will further state that if the Complainant accepts the District's offer and chooses to re-enroll the Student in the District during the 2017-18 or 2018-19 school years, the District will convene a team to review the Student's Section 504 Plan and determine if the Student requires any compensatory services for any failures to implement the Student's 504 plan identified in the complaint and accepted by OCR for investigation.

**REPORTING REQUIREMENT:** By February 15, 2018, the District will provide OCR with a copy of the letter sent to the Complainant, with proof that the letter was sent.

2. If the Student re-enrolls in the District during the 2017-18 or 2018-19 school years, within 30 days of enrollment, the District will hold a 504 team meeting for the Student, which will include consideration of the appropriateness of compensatory services for any failures to implement the Student's 504 Plan identified in the complaint and accepted by OCR for investigation. The District will ensure that the 504 team meeting is a team of persons knowledgeable about the Student, the evaluation data, and the placement options. The District will take reasonable steps to obtain parental participation in the meeting, including communicating through multiple methods, if necessary (phone, writing, email), and ensuring that the meeting is held at a time and place convenient to the parents. The District will provide the Student's parents with a meaningful

opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

**REPORTING REQUIREMENT:** Within one month after the Student re-enrolls in the District, if he chooses to do so, the District will submit to OCR documentation showing implementation of Paragraph 1, including a copy of any meeting minutes, meeting notices, documentation of any input provided by the Student's parents and showing that procedural safeguards were provided to them, and any other documentation relevant to the determinations reached in accordance with Term 2. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations, and notify the District when it has completed this review.

3. If the Student re-enrolls, and if the 504 team determined that the Student is entitled to compensatory services, the District will take steps to provide services.

**REPORTING REQUIREMENT:** Within 90 days of the 504 team meeting, the District will provide documentation to OCR that any compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s) and will provide OCR documentation demonstrating that it has provided all of the education or services. If the 504 team determined that no compensatory education or other remedial services were necessary, the District will provide a written explanation of the reasons for that determination, along with any supporting documentation. If the Student does not re-enroll in the District by the end of the 2018-19 school year, the District will notify OCR and OCR will close the monitoring of this Agreement.

#### **ADDITIONAL ACKNOWLEDGEMENTS:**

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 of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. § 104.33-104.36 and Title II of the Americans with Disabilities Act of 1990 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 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

/s/

1/29/2018

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**For the District**

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**Date**