

## RESOLUTION AGREEMENT

### Douglas County School District RE-1 08-20-1005

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and 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 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 C.F.R. 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.

- A. Policies and Procedures.** The District will draft and submit to OCR for review and approval revisions to the School's policies and procedures in the School's Student Handbook (Handbook) to ensure the provisions therein meet the requirements under Section 504 and Title II. The revisions will, at a minimum, accomplish the following:
- i. Page 17, paragraph 1, sentence 1: alignment to the description of excused absences in the District's Board Policy JH;
  - ii. Page 17, paragraph 1, sentence 3: clarification that, regardless, the School will not discriminate on the basis of disability in the application of its attendance policies; and,
  - iii. Pages 17-18, within the section titled "Student Absences Impacting Grades": clarification that, regardless, the School will not discriminate on the basis of disability in the application of its missing/make-up work policies.

**Reporting Requirement:** No later than June 30, 2020, the District will submit to OCR for its review and approval the revised policies and procedures in the Handbook, drafted consistent with Paragraph A.

- B. Adoption and Notice.** Upon OCR's approval of the revised policies and procedures in the Handbook, and no later than June 30, 2021, the District will: a) adopt and implement the policies and procedures, and b) provide all students, parents/guardians, and employees written notice regarding the revised policies and procedures. The District, at a minimum, will make this notification through written correspondence, email, and/or the School's website, as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

**Reporting Requirement:** Upon OCR's approval of the revised policies and procedures in the Handbook, and no later than June 30, 2021, the District will provide OCR with

documentation that demonstrates the District has a) adopted and implemented the policies and procedures, and b) provided notice pursuant to the requirements within Paragraph B.

- C. Training.** Upon OCR's approval of the revised policies and procedures in the Handbook, and no later than June 30, 2021, the District will develop and provide training to School staff, which must include, but is not limited to, the attendance clerks, teachers, and administrators. The training, which may be provided by digital instruction, will address, but need not be limited to, the following:
- i. The changes made to the policies and procedures in the Handbook, including requisite changes to current School practices, if any, to ensure compliance with Section 504 and Title II;
  - ii. An explanation of the District's prohibition against discrimination on the basis of disability and the prohibition against retaliation;
  - iii. The contact information for the District's Section 504 compliance coordinator; and,
  - iv. Information regarding how to file a complaint of discrimination, both with the District and OCR.

**Reporting Requirement:** Upon OCR's approval of the revised policies and procedures in the Handbook, and no later than June 30, 2021, the District will provide to OCR the name(s) and credentials of the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials, etc.).

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 regulations at 34 C.F.R. part 104 and Title II and its implementing regulation at 28 C.F.R. part 35, 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 the Agreement. Before initiating administrative enforcement (34. C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/  
Dr. Thomas Tucker

April 14, 2020  
Date

Superintendent  
For Douglas County School District RE-1