

**Voluntary Resolution Agreement**  
**Douglas County School District**  
**[Redacted Content]**  
**OCR Case Number 08-22-1053**

The United States Department of Education (“Department”), Office for Civil Rights (“OCR”), initiated investigation of the above-referenced complaint against [redacted content] (“School”) in the Douglas County School District (“District”), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104 (“Section 504”) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (“Title II”), which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department.

During OCR’s investigation, before OCR made any findings, the District and School indicated their willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR’s investigation has identified concerns that can be addressed through a resolution agreement.

Accordingly, to resolve the issues of this investigation, the District and School voluntarily agree to take the following actions. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District or School.

1. The School will draft for OCR’s review and approval:
  - a. Section 504/Title II training materials for all staff, including nurses, teachers, administrators, and paraprofessionals/aides that address, at a minimum:
    - i. Section 504/Title II’s prohibitions on discrimination against people with disabilities;
    - ii. The School’s obligation to provide a Free Appropriate Public Education, which includes the provision of regular or special education and related aids and services (34 C.F.R. § 104.33);
    - iii. The School’s obligation to provide for education in the least restrictive environment (34 CFR § 104.34);
    - iv. Appropriate evaluation, re-evaluation, and placement procedures (34 C.F.R. § 104.35);
    - v. Procedural safeguard requirements (34 C.F.R. § 104.36);
    - vi. Prohibitions against retaliation against individuals exercising rights protected by Section 504 or Title II; and
    - vii. The consideration of wearing masks as an appropriate accommodation under Section 504 for COVID. OCR has issued a letter to help schools and parents on this topic. *See* <https://www2.ed.gov/documents/coronavirus/letter-to-educators-and-parents-regarding-new-cdc-recommendations-03-24-2022.pdf.pdf>

- b. Training materials for all staff, including nurses, teachers, administrators, and paraprofessionals/aides on food allergies and examples of appropriate accommodations for students with food allergies.

**REPORTING REQUIREMENT 1: Within 60 calendar days of signing this Agreement,** the School will provide for OCR’s review and approval the training materials required under provisions 1a and 1b and the name(s) and qualifications of the proposed trainers.

- 2. **On September 21, 2023,** the School will provide the training approved by OCR pursuant to provisions 1a and 1b to all staff.

**REPORTING REQUIREMENT 2: Within 7 calendar days of providing the training,** the School will provide OCR with: (1) the name and qualifications of the person(s) who provided the training; (2) the names and job titles of persons who attended the training; (3) the agenda for the training; and (4) a copy of any materials distributed and/or used at the training.

The District and School understand that by signing this agreement, they agree to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District and School understand that during the monitoring of this Agreement, if necessary, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District and School have fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The District and School understand that OCR will not close the monitoring of this Agreement until OCR determines that the District and School have demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, respectively, which were at issue in this complaint.

The District and School understand and acknowledge 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 and School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For [redacted content]:

/s/

July 20, 2023

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Principal

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Date

For Douglas County School District:

/s/

July 31, 2023

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Executive Director of Schools

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Date