

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The Eastmont School District No. 206 (district) enters into this agreement to resolve the allegations in a complaint (OCR Reference No. 10141003) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and the regulations that implement those statutes at 34 C.F.R. Part 104 and 28 C.F.R. Part 35 (Section 504 and Title II).

### **II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in OCR Reference No. 10141003 and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141003 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 a minimum of sixty (60) calendar days to cure the alleged breach.
- D. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, 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 Title II's implementing regulations at 34 C.F.R. 104.4, 104.33 and 28 C.F.R. 35.130, respectively, which were at issue in this case.
- F. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of this agreement and is in compliance with Section 504 and Title II's implementing regulations at 34 C.F.R. 104.4, 104.33 and 28 C.F.R. 35.130, respectively, which were at issue in this case.

### **III. RESOLUTION PROVISIONS**

#### **A. Policies, Procedures and Practices**

1. By May 15, 2014, the district will revise its policies and procedures or develop a new policy and procedure to ensure that students with Individualized Education Plans (IEPs), Section 504 plans, or Individualized Health Plans (IHPs) have the opportunity to earn full credit for alternative assignments or alternative class activities when these students are provided the option to complete the alternate assignments because of their disability.
2. By June 1, 2014, the district will provide a draft of the newly revised or developed policy and procedure to OCR for review and approval.
3. Within 45 days of receiving OCR's review and approval of the draft policies and procedures, the district will formally adopt and implement the procedure.

#### **B. Notice and Training**

1. By August 1, 2014, or once the district has adopted the OCR-approved policy and procedure developed under section III.A., above, the district will provide OCR with a draft notice of the policy and procedure for distribution to all administrators and staff that are involved in the implementation of IEPs, Section 504 plans, and IHPs, including all XXXXXX XXXXX staff and school nurses. The notice will include a statement that the district is committed to complying with Section 504 and Title II and will describe the district's newly adopted policy and procedure. The notice will also provide hypothetical examples of grading policies and practices that are not permissible under the district's new policy and that could result in OCR violations.
2. By September 30, 2014, the district will provide training to all administrators and staff that are involved in the implementation of IEPs, Section 504 plans, and IHPs, including all XXXXXXXXXXXXXXXX and school nurses. The training will focus on the district's newly adopted policy and procedure developed under section III.A., above. The training will also provide hypothetical examples of grading policies or practices that are not permissible under the district's new policy and that could result in OCR violations. The training will include time for audience questions, as well as, the name and contact information for the person(s) available after the training to respond to questions and concerns.

C. Student Specific Remedies

1. By July 1, 2014, the district will recalculate the student's 2012-2013 XXXXXX XXXXXXXX grade providing the student with a 4 for every packet the student completed as an alternative assignment for XXXXX XXXXX and for which she earned a 3. If the recalculation of the grade results in a higher grade than is currently recorded on the student's transcript, the student will be assigned the higher grade, and the student's transcript modified to reflect the higher grade.
2. By December 31, 2014, the district will provide notice of the new policy to all parents in the district. The notice will include the name and contact information for the person(s) to contact for questions or to contact if the parent believes that their child did not receive the opportunity for full credit on alternative assignments provided for disability-related reasons during the 2012-2013 or 2013-2014 school years. The notice may be provided in any manner reasonably likely to reach a significant majority of district parents, for example, including the policy in the 2014-2015 student handbook, including the policy with regular notices sent to parents such as newsletters, or mailing a copy of the policy to each parent in the district. The district may include a deadline by which the parents must contact the district.
3. If the district is contacted by parents who believe that their child did not receive the opportunity for full credit on alternative assignments provided for disability-related reasons during the 2012-2013 or 2013-2014 school year, the district will take steps to determine if the student in question was negatively impacted by being denied the opportunity to receive full credit on alternative assignments provided for disability-related reasons and, if so, take steps to remedy the harm to the student.

**IV. REPORTING PROVISIONS**

A. Policies, Procedures and Practices

1. By June 1, 2014, the district will provide OCR with the draft policy and procedure described in section III.A.1.
2. Within 30 days of receiving OCR's input regarding any current or proposed revised policy, procedure or practice, the district will provide OCR with a revised policy, procedure or practice that is responsive to OCR's input.
3. Within 45 days of receiving OCR's review and approval of the draft policies and procedures, the district will formally adopt and implement the procedure and will provide OCR with a copy of the final document.

B. Notice and Training

1. By August 1, 2014, or once the district has an OCR-approved non-discriminatory policy and procedure as described in section III.A.1, the district will provide OCR with a draft notice as described in section III.B.1.
2. Within 30 days of receiving OCR's input regarding the notice, the district will provide OCR with a revised notice that is responsive to OCR's input.
3. By December 31, 2014, the district will issue the final OCR-approved notice to all district staff, students, and parents/guardians, and will provide OCR with a copy of the notice as well as a description of how the notice was provided to all district staff, students and parents/guardians.
4. By October 31, 2014, the district will provide OCR with a copy of the training materials, date of the training, attendance sheet with list of names and job titles of attendees, the name of the trainer(s), and a description of the trainer's qualifications for the training provided under section III.B.2.

C. Student Specific Remedies

1. By July 1, 2014, the district will provide OCR with a report regarding its actions taken related to section III.C.1.
2. By January 31, 2015, the district will provide OCR with a copy of the notice provided to all district parents under section III.C.2 along with a description of how the notice was provided.
3. By March 31, 2015, the district will provide OCR with a report describing its actions taken under section III.C.3, including a list of students for whom the district took steps to remedy any negative impact.

**Signed:**

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Mr. Garn Christensen  
Superintendent  
Eastmont School District No. 206

\_04/10/2014\_\_\_\_\_  
Date