

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Clark County School District (District) and the U.S. Department of Education, Office for Civil Rights (OCR) enter into this agreement to resolve the allegations in OCR Reference No. 10141043, which was a complaint filed with OCR under section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

II. GENERAL PROVISIONS

- A. This agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Section 504 or Title II or their implementing regulations.
- B. This agreement will be effective when signed by an authorized representative of the District.
- C. OCR agrees to discontinue its investigation of OCR Reference No. 10141043 based upon the District's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this complaint.
- D. 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 a minimum of sixty (60) calendar days to cure the alleged breach.
- E. The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35, and 104.36, and Title II, at 28 C.F.R. §35.130(a) and (b)(1)(iii), which were at issue in this case. The District also 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. 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, and Title II, at 28 C.F.R. §§ 35.130(a) and (b)(1)(iii), which were at issue in this case.

III. RESOLUTION PROVISIONS

A. Notice to District Staff & Parents

1. By **March 5, 2015**, the District will provide a written notice to academic, transportation, and special education administrators. The notice will include:
 - (a) a statement of the District’s responsibility for ensuring that all transportation staff, including bus aides and bus drivers, are provided the information and training needed to implement the related aids and services that disabled student bus riders require on the school bus, as provided in the student’s education plan;
 - (b) a statement that the District has established grievance procedures that provide for the prompt and equitable resolution of disability discrimination complaints, including complaints of disability harassment occurring on the school bus;
 - (c) an explanation of the District’s expectations with regard to physical reprimand of special education students; and
 - (d) title and contact information for the District employees who are responsible for working with the school principal (or designee) to resolve complaints about school bus transportation and complaints about disability discrimination, including disability harassment.
2. By **March 5, 2015**, the District will provide a written notice to the parents and/or guardians of all students currently attending the elementary school that the student in question was attending in October 2013. The notice will include:
 - (a) a statement that the District has established grievance procedures that provide for the prompt and equitable resolution of disability discrimination complaints;

- (b) an explanation of the District’s grievance procedures available to students and/or parents who believe that they have been subjected to disability discrimination, including disability harassment;
 - (c) notification that the school principal (or designee) is the primary contact person for concerns that arise at the school and on the school bus, including concerns of disability discrimination, including disability harassment; and
 - (d) the title and contact information of the District employees who are responsible for working with the school principal (or designee) to resolve complaints about school bus transportation and complaints about disability discrimination, including disability harassment.
3. By **March 5, 2015**, the District will post changes to the pertinent sections of the online version of the CCSD Back to School Reporter to ensure that all of the notification information specified in section III.A.2 is also available in the Back to School Reporter.

B. Individual Remedies

1. By **April 17, 2015**, the District will: (a) conduct an effective and impartial investigation of the complaint of disability harassment involving the student’s bus driver during the 2013-2014 academic year; and (b) provide a written response to the parent that informs the parent of the investigative process, the outcome of the investigation, and an outline of the remedies identified and implemented.
2. By **April 17, 2015**, the District will provide the student’s parent with contact information for the District employee responsible for resolving complaints of disability discrimination, including disability harassment, on the school bus.
3. By **March 5, 2015**, the District will take such measures so as to ensure that this bus driver in question will never drive on the student’s route.

Should the student utilize District transportation in the future, the student’s parent and the District’s transportation supervisor will jointly develop a plan for transporting the student in the event that an

emergency situation presents the possibility of the bus driver in question transporting the student.

IV. REPORTING PROVISIONS

- A. By **March 31, 2015**, the District will provide OCR with a report regarding the actions that it has taken pursuant to section III.A of the agreement. The report will include, but is not limited to: a copy of the written notices (and web site updates); a description of how and when each notice was distributed; and information about who received the notices.

- B. By **June 10, 2015**, the District will provide OCR with a report regarding the actions it has taken pursuant to section III.B.1-3 of the agreement. The report will include, but is not limited to: a detailed description of the steps taken by the District to investigate and resolve the complaint of disability harassment; a copy of the District’s response to the student’s parent regarding her complaint; a description of any corrective actions, including remedies provided to the student or parent and actions designed to prevent reoccurrence; and a detailed description of the steps taken by the District to ensure that the bus driver in question does not drive on the student’s route.

Signed:

_____/s/_____
Mr. Pat Skorkowsky
Superintendent
Clark County School District

February 19, 2015
Date