

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Harney County School District (“district”) enters into this agreement to resolve the allegations in a complaint (Reference No. 10141327) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10141327 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. 10141327 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’s campus or place of business, 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 and Title II.

- E. 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 the regulations implementing Section 504 and Title II at 34 CFR 104.4, 34 CFR 104.7, 34 CFR 104.33, 28 CFR 35.103, 28 CFR 35.107, and 28 CFR 35.130, with respect to the issues raised in the complaint.

III. RESOLUTION PROVISIONS

A. Policies and Procedures

In consultation with OCR (as described in the reporting section, below), the district will review and revise, if necessary, its written policies, procedures, and practices to ensure that:

1. The district has an effective procedure for responding to incidents of alleged disability harassment, including procedures that address the investigation, timelines, decision-making, discipline and other potential remedies, and notice to students/parents;
2. The district has a prompt and effective grievance procedure for students/parents with concerns regarding disability discrimination;
3. The district gathers all evaluative information necessary to determine a student's disability-related needs when developing a Section 504 plan or IEP for the student, and that in interpreting the evaluation data and in making placement decisions, the district shall
1) draw upon information from a variety of sources as appropriate;
2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; and 3) ensure the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. The district provides disabled students with an equal opportunity to participate in extracurricular field trips. At a minimum, the policies and procedures will include a requirement to provide field trip chaperones with any necessary medical information and training regarding a disabled student's individual health needs, prior to the field trip.

B. Notice and Training

Within 90 days of receiving approval from OCR of the revised policies and procedures as described in the reporting section below, the district will:

1. Provide written notice of the policies and procedures to all district employees. The district will also update any printed materials and website information, as necessary, to incorporate changes made to the policies and procedures.
2. Provide all students and parents/guardians with electronic or written notice regarding the new/revised disability harassment procedures and grievance procedures for resolving disability complaints together with information on how to obtain a copy of the grievance procedures. The district, at a minimum, will make this notification through the district's website, electronic mail messages to parents, and parent/student handbooks, and any other additional means of notification the district deems effective to ensure that the information is widely disseminated.
3. Provide training to the teachers and administrators at XXXXX regarding policies and procedures outlined in section III.A.1-4

C. Parent/Student-Specific Provisions

1. By December 31, 2014, the district will send a letter of regret to the parent that outlines the steps the district is taking under this agreement. The letter will notify the parent of the steps the district will take pursuant to this agreement. The letter will also state the district's commitment to provide the subject student with a free appropriate public education and to take steps to promptly and effectively respond to any future incidents of harassment against the student.
2. By December 31, 2014, the district will offer the parent to convene a meeting to review the subject student's Section 504 Plan and Health Plan to determine if the plans are sufficient to meet the student's disability-related needs. If the parent requests a meeting, the district will hold the meeting by January 31, 2015, and will ensure the participants at the meeting are knowledgeable about the student, the student's evaluation data, and placement options (participants will

include the school nurse and other staff who may be responsible for responding to diabetic incidents). If the district makes any changes to the student's plans, the district will promptly notify all staff responsible for implementing the plans of the changes to the plans.

IV. REPORTING PROVISIONS

- A. Within 45 days from the date of this agreement, the district will provide a report to OCR that contains a draft of the revised policies and procedures pursuant to section III.A, above. OCR will review the policies and procedures and notify the district whether the policies and procedures require any additional revisions. If revisions are required, the district will make the revisions and re-submit the draft policies and procedures to OCR within 20 days of receiving notice of the revisions by OCR. OCR and the district will follow the same procedure until OCR approves the policies and procedures.
- B. Within 30 days after receiving approval from OCR regarding the revised policies and procedures, the district will provide OCR with a report confirming that the district adopted the approved policies and procedures, including documentation that provides the date and method used to approve the policies and procedures.
- C. Within 30 days after providing written notice of the revised policies/procedures and completing the training specified in sections III.B.1-3, above, the district will provide OCR with a report confirming these two steps. Specifically, the district will provide the date and method of communication used to provide notice of the revised policies and procedures to employees, parents, and students as described in sections III.B.1 and III.B.2, above, and demonstrate that the district made any necessary changes to the district's website and printed materials (e.g. website address and/or copies of printed materials). Additionally, the district will provide information about the training, including:
 - a. the date of the training,
 - b. the name and qualifications of the trainer,
 - c. copies of the training materials provided to participants,
 - d. a copy of the sign-in sheet of attendees that identifies them by name and title, and if any required staff were unable to attend the training, the report will include information about how and when they will be trained.

- D. By February 15, 2015, the district will provide OCR with a report containing a copy of the letter the district sent to the parent pursuant to section III.C.1, above.

- E. By February 15, 2015, the district will notify OCR whether the parent accepted its offer to hold a meeting to review the student's Section 504 Plan and Health Plan pursuant to section III.C.2, above. If the parent accepted the meeting, the district will provide OCR with report by November 21, 2014, with information about the meeting, including:
 - 1. A list of participants at the meeting;
 - 2. Notes of the meeting;
 - 3. A copy of the Section 504 Plan and Health Plan that includes any changes made from the meeting; and
 - 4. A description of how the plans were made available to any staff responsible for implementing the plans.

Signed:

_____/ S / _____
Dr. Marilyn McBride
Superintendent
Harney County School District 3

November 18, 2014
Date