

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Turner Public Schools (the district) enters into this Voluntary Resolution Agreement (agreement) to resolve the compliance concerns identified in the investigation of a complaint (OCR Reference No. 10171309) 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. REMEDIAL PROVISIONS

A. Policy Review

1. The district will review and revise, as necessary, its policies and procedures (revised policies) to ensure they are consistent with Section 504 and Title II. Specifically, the district will ensure that its revised policies include the following:
 - a. that, consistent with Section 504's requirement, at 34 C.F.R. §§ 104.35, the district will conduct a timely evaluation of any person if it is known or suspected that, due to a disability, the person needs special education or related aids and services to participate in or benefit from the district's education program;
 - b. that, consistent with Section 504's requirement, at 34 C.F.R. § 104.33, the district will provide a free appropriate public education which is the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met and (ii) are based upon adherence to procedures that satisfy the requirements of 34 C.F.R. §§ 104.34, 104.35, and 104.36; and
 - c. that, consistent with Section 504's requirement, at 34 C.F.R. §§ 104.4(a), the district prohibits disability harassment of students perpetrated by district employees and students.
2. Reporting Requirements:
 - a. By October 31, 2019, the district will provide OCR a draft of its revised policies for OCR's review and approval. If OCR requires any changes to the draft of the revised policies, the district will make the changes and resubmit a draft of the revised policies within 30 days of receiving OCR's

notice of required edits. OCR and the district will repeat this process until OCR approves the revised policies.

- b. Within 30 days of receiving OCR's written approval of the revised policies, the district will provide OCR with documentation to substantiate that it has adopted and published the OCR approved policies and procedures.

B. Notice and Training

1. Within 30 days of receiving OCR's written approval of the revised policies, the district will provide notice to all district employees regarding the revised policies. The notice can be made electronically.
2. Reporting Requirement: Within 45 days of receiving OCR's written approval of the revised policies, the district will submit documentation to OCR demonstrating its compliance with Section II.B.1, including a copy of the notice sent to district employees.
3. Within 120 days of receiving OCR's written approval of the revised policies, the district will train all employees regarding the revised policies. The training on disability harassment will include examples of disability harassment and best practices for responding to disability harassment. OCR is available for consultation with the district regarding the training.
4. Reporting Requirement: Within 150 days of receiving OCR's written approval of the revised policies, the district will submit documentation to OCR demonstrating its compliance with Section II.B.2, including but not limited to, the dates and length of the training; the name and qualifications of the person providing the training; a copy of the materials used to provide the training; a list of district employees with position titles who attended the training; and for any district employees who were not able to attend the training, a description of the district's plan to provide them with the training.

C. Student-Specific Actions

1. The district will issue a letter to the student and his parent expressing regret that the student did not have the opportunity to walk at graduation and stating that the district has a responsibility to provide a free appropriate public education to students with disabilities, that the district prohibits disability harassment of students perpetrated by district employees and students, and that, with OCR's review and approval, the district is revising its applicable policies and procedures.

2. Reporting Requirement: By October 31, 2019, the district will provide OCR a draft of the letter to the student and parent for OCR's review and approval. If OCR requires any changes to the draft of the letter, the district will make the changes and resubmit a draft of the letter within 30 days of receiving OCR's notice of required edits. OCR and the district will repeat this process until OCR approves the letter.
3. Reporting Requirement: Within 15 days of the district receiving OCR's approval of the draft letter to the student and parent, the district will submit to OCR a copy of the final letter issued to the student and parent, including proof of mailing.

III. GENERAL PROVISIONS

- A. The district understands by signing the agreement it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the district understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the district, interview staff and students, and request such additional data and reports as are necessary for OCR to determine whether the district has fulfilled the terms and obligations of the agreement.
- B. Upon the district's satisfaction of the commitments made under the agreement, OCR will close the case.
- C. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

Mr. Tony Warren
Superintendent
Turner Public Schools

September 18, 2019

Date