



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Pocatello/Chubbuck School District 25 (district) enters into this Voluntary Resolution Agreement (agreement) to resolve the allegations in a complaint (Reference No. 10181089) filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), under Title II of the Americans with Disabilities Act of 1990 (Title II) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

II. RESOLUTION PROVISIONS

A. Policies & Procedures Regarding Students with Diabetes

By November 30, 2018, in consultation with OCR, the district will develop, or have developed, policies and procedures that ensure that the district provides the related aids and services necessary for students with disabilities to participate in the district's educational program to the same extent as nondisabled students, including appropriate accommodations for disability-related tardies and absences.

Reporting:

- a. By September 30, 2018, the district will submit the policies and procedures to OCR for review. OCR will notify the district if it requires any changes to the policies and procedures, and the district will resubmit the policies and procedures to OCR within 14 days of OCR's notice. OCR and the district will repeat this procedure until OCR approves the policies and procedures.
- b. Within 30 days after OCR approves the policies and procedures, the district will submit a report to OCR demonstrating that it has adopted the policies and procedures.

B. Notice

Within 30 days of OCR's approval of the policies and procedures, the district will provide notice to all staff regarding the policies and procedures, including a statement that the district will not punish a student for absences and tardies that are caused by a student's disability. E-mail notice is sufficient as long as it is reasonably calculated to reach the district's staff.

Reporting:

Within 14 days of sending the notice to staff, the district will provide a report to OCR including a copy of the notice and the method the district used to provide the notice.

C. The Student's Section 504 Plan

By September 30, 2018, the district will convene the student's Section 504 Team, and consider a plan to address the student's disability-related absences and tardies in the student's Section 504 Plan. The Section 504 Team will ensure that the student is not punished through the district's attendance system for his disability-related absences and tardies. The Section 504 Team will amend the student's Section 504 Plan, as needed, to ensure that the student is not punished for absences and tardies that are a result of the student's disability.

Reporting:

Within 14 days after the Section 504 meeting is held, the district will submit a report to OCR demonstrating the results of the Section 504 meeting, including a list of persons who attended the meeting, the date of the meeting, meeting notes, and the student's Section 504 Plan in effect after the meeting.

D. Student's Education Record

By September 30, 2018, the district will ensure that the student's educational record does not contain any disciplinary, or other punishment, related to the student's disability-related tardies and absences of which the district had knowledge during the 2017-2018 school year.

Reporting:

By September 30, 2018, 2018, the district will submit a report to OCR demonstrating that the student's record does not contain any discipline, or other punishment, for his disability-related tardies and absences during the 2017-2018 school year.

III. OTHER PROVISIONS

- A. The district understands that by signing this agreement, it agrees to provide OCR 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 or school in question, interview staff, and request additional information as would be necessary for OCR to determine whether the commitments contained in this agreement have been fulfilled.

- B. Upon the district’s satisfaction of the commitments contained in this agreement, OCR will close this complaint.

- C. 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 will give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

Dr. Douglas Howell
Superintendent
Pocatello/Chubbuck School District 25

July 23, 2018

Date