

VOLUNTARY RESOLUTION AGREEMENT

Shepherd School District (District) enters into this agreement (Agreement) to resolve an allegation in a complaint (OCR Reference No. 10191107) 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 its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35.

I. POLICIES AND PROCEDURES

- A. The District will review and revise its written policies and procedures (revised procedures) as needed to ensure they are consistent with the requirements of Section 504 and Title II regarding the provision of a free, appropriate public education (FAPE) to students with disabilities, and specifically with respect to ensuring that the District does not discriminate against students with disabilities, as prohibited by Section 504 and Title II, with respect to conducting evaluations of students who need, or are believed to need, special education and related services and providing any special education and related services deemed necessary to provide a student with a disability a FAPE.

Reporting Provisions:

- B. By 10/07/2019, the District will submit to OCR, for its review and approval, the revised procedures developed in accordance with section I.A, above. If OCR requires changes to the revised procedures, the District will re-submit the revised procedures within 30 calendar days of receiving notice of the required changes. The District and OCR will continue this process until OCR approves the revised procedures.
- C. Within 30 days of receiving OCR's approval of the revised procedures, the District will provide documentation to OCR demonstrating the District has adopted and implemented the revised procedures, such as a copy of the materials and publications containing this information or a link to the on-line version of the materials and publications.

II. NOTICE

- A. The District will provide written notice to all District employees informing employees of the revised procedures and employee obligations regarding the requirements of Section 504 and Title II to provide a FAPE to students with disabilities, and specifically with respect to ensuring that the District does not discriminate against students with disabilities, as prohibited by Section 504 and Title II, with respect to conducting evaluations of students who need, or are believed to need, special education and related services and providing any special education and related services deemed necessary to provide a student with a disability a FAPE.

Reporting Provision:

- B. Within 30 calendar days of providing documentation to OCR demonstrating the adoption and implementation of the revised procedures as required in section I, above, the District will provide OCR with a copy of the notice and information about the method and date of distribution.

III. TRAINING

- A. The District will conduct training for teachers and administrators at Shepherd School District on the requirements of Section 504 and Title II regarding the provision of a FAPE to students with disabilities, and specifically with respect to ensuring that the District does not discriminate against

students with disabilities, as prohibited by Section 504 and Title II, with respect to conducting evaluations of students who need, or are believed to need, special education and related services and providing any special education and related services deemed necessary to provide a student with a disability a FAPE.

Reporting Provision

- B. Within 30 calendar days of providing OCR a copy of the notice and information about the method and date of distribution as required by section II.B, above, the District will submit a draft training plan to OCR for its review and approval. If OCR requires changes to the training plan, the District will re-submit the training plan within 30 calendar days of receiving notice of the required changes. The District and OCR will continue this process until OCR approves the revised procedures.
- C. Within 90 calendar days of receiving OCR's approval of the training, the District will provide OCR with documentation that includes the time(s) and date(s) of the training, a detailed description or lesson plan of the training given, any handouts or presentation slides used during the training, a list, by name and job position, of persons who attended the training, and the name and qualifications of the trainer.

IV. INDIVIDUAL STUDENT

- A. The District will schedule a meeting/meetings of Student A's Section 504 team in order to determine whether Student A was in need of and provided special education and related services as necessary to ensure that Student A received a FAPE with respect to his enrollment in the District during the 2018-2019 school year.
- B. In determining whether Student A needed special education and related services, as necessary to receive a FAPE during the 2018-2019 school year, Student A's 504 team will determine the nature and extent of any special education and related services the District should have provided Student A during the 2018-2019 school year but did not (compensatory education).
- C. The District will offer to provide Student A any compensatory education Student A's 504 team determines is necessary to ensure that Student A receives a FAPE with respect to his enrollment in the District during the 2018-2019 school year.
- D. If Student A's parents accept the District's offer for compensatory education, the District will provide the compensatory education consistent with its offer.

Reporting Provisions:

- E. By 12/02/2019, the District will submit to OCR a report establishing that the District convened a meeting/meetings of Student A's Section 504 team and determined the nature and extent of compensatory education, if any, to be provided to Student A, as required by sections IV.A and IV.B. The report will include a description of the steps the District took to determine the nature and extent of the compensatory education, if any, and the method to be used to provide any compensatory education to Student A. If OCR requires changes to the report, the District will re-submit the report within 30 calendar days of receiving notice of the required changes. The District and OCR will continue this process until OCR approves the report.

- F. Within 30 days of receiving OCR's approval of the report, the District will submit a report to OCR demonstrating that: 1) the District offered the compensatory education contained in the report, if any, to the parents of Student A; and 2) the District provided the parents no less than 14 days to respond to the offer. The report will also contain the parents' response, if any. If the parents did not accept the offer of compensatory education, or if the parents did not respond to the offer within the designated time frame, the District will not be responsible to provide the compensatory education contained in the approved report.
- G. If the parents accept the offer of compensatory education contained in the approved report, within 120 days of receiving the parents' acceptance, the District will provide documentation to OCR establishing that it delivered the compensatory education to Student A consistent with the approved report.

V. GENERAL MONITORING PRINCIPLES

- 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 the 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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close this case.
- B. 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 under 34 C.F.R. §§ 100.9 and 100.10, or judicial proceedings, including to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

/s/

September 16, 2019

Drea O'Donnell
Superintendent
Shepherd School District

Date