

VOLUNTARY RESOLUTION AGREEMENT

The Clark County School District (the district) voluntarily agrees to take the following actions to resolve OCR reference number 10191126 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).

A. **Notice to Staff**

Action Item

The District will provide notice to its instructional and administrative staff at Clifford Junior High School (the school) containing the district's policy regarding the provision of a free appropriate public education (FAPE) to students with disabilities, as well as a written directive to ensure that staff implement every Section 504 Plan and Individual Education Program (IEP) in which they have a responsibility to implement.

Reporting Requirements

1. By November 1, 2019, the District will send OCR draft of the notice it intends to send to staff. OCR will notify the District if OCR requires any changes to the notice, and the District will re-submit the notice within 21 calendar days of receiving notice of OCR's required changes. The District and OCR will repeat this procedure until OCR approves the notice.
2. Within 21 calendar days of OCR's approval of the notice, the District will provide OCR with a report containing confirmation that it sent the notice to the appropriate staff.

B. **Student-Specific Remedy**

Action Items

1. The District will provide the complainant a letter that will 1) provide information about the notice sent to staff at the school pursuant to Section A of this agreement; 2) express regret for the issues raised in the complainant's OCR complaint; and 3) commit to providing a free appropriate public education to the student who was the subject of the complaint (the student).

2. The District will schedule a meeting/meetings of the student's 504 plan team in order to determine whether the student was provided her education and related services, as necessary, to ensure that the student received a FAPE with respect to her enrollment in the District during the 2019 spring semester.
3. In determining whether the student received a FAPE during the 2019 spring semester, the student's Section 504 team will consider the parent's allegation that the student's teachers failed to sign the student's agenda with her homework assignments during that semester. If the team determines that the agenda was not always signed, the team will determine what affect, if any, the failure had on the student's ability to receive a FAPE during the 2019 spring semester. If the team determines that the student did not receive a FAPE during the 2019 spring semester, the team will determine the amount of appropriate education to compensate the student (compensatory education).
4. The District will offer to provide the student any compensatory education the student's 504 team determines is necessary to ensure that the student receives a FAPE with respect to her enrollment in the District during the 2019 spring semester.
5. If the student's parents accept the District's offer for compensatory education, the District will provide the compensatory education consistent with its offer.

Reporting Requirements

- a. By November 15, 2019, the District will submit to OCR, for its review and approval, a copy of the letter drafted in accordance with Section B.1., above. If OCR requires changes to the letter, the District will re-submit the letter within 21 calendar days of receiving notice of the required changes. The District and OCR will continue this process until OCR approves the letter.
- b. Within 30 days of receiving OCR's approval of the letter, the District will submit a report to OCR demonstrating that it sent the approved letter to the complainant.
- c. By February 1, 2020, the District will submit to OCR a report establishing that the District convened a meeting/meetings of the student's Section 504 team and determined the nature and extent of compensatory education, if any, to be provided to the student, as required this agreement. 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 the student. If OCR requires changes to the report, the District will re-submit the report within 21 calendar days of receiving notice of the required changes. The District and OCR will continue this process until OCR approves the report.

- d. Within 30 days of receiving OCR's approval of the report, and contingent on whether the approved report requires compensatory education, 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 the student; 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.
- e. If the parents accept any offer of compensatory education from the District as determined above, within 120 days of receiving the parents' acceptance, the District will provide documentation to OCR establishing that it delivered the compensatory education to the student consistent with the approved report. If the approved report concluded that no compensatory education is necessary, then no submission is required under this subsection.

C. **General Monitoring Principles**

1. 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, 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 regulation implementing Section 504 at 34 C.F.R. 104.33, which was at issue in this case. Upon completion of the obligations under this agreement, OCR shall close this case.
2. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including enforcing the specific terms and obligations of this agreement. Before initiating

administrative enforcement (34 C.F.R. §§ 100.9, 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/_____
Dr. Samuel Scavella
School Associate Superintendent, Region 2
Clark County School District

____8/28/19_____
Date

_____/s/_____
Phoebe V. Redmond
Assistant General Counsel
Clark County School District