

# **VOLUNTARY RESOLUTION AGREEMENT**

## **I. INTRODUCTION**

The Longview School District No. 122 (District) enters into this Voluntary Resolution Agreement (Agreement) to resolve the allegation in a complaint (Reference No. 10201135) 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. RESOLUTION PROVISIONS**

### **A. Policies and Procedures**

#### **1. Action Step**

The District will develop and adopt policies and procedures (policies) regarding requests for reasonable modifications from parents or guardians with disabilities to ensure compliance with the Section 504 and Title II regulations. At a minimum, the District's policies will:

- (a) Identify by position title and contact information the employee(s) who will be responsible for receiving and determining reasonable modification requests.
- (b) Describe the process for requesting reasonable modifications, including where and with whom to initiate the process.
- (c) Ensure that the District will make reasonable modifications to its policies, procedures, and practices when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of its service, program, or activity.
- (d) Through an interactive process with the parent or guardian with a disability, make an individualized determination based on the specific facts of each request without applying general prohibitions against particular types of reasonable modifications. This process may include discussions with the parent or guardian with a disability to determine whether he/she is a qualified individual with a disability for which he/she needs modifications and to explore what modifications may be appropriate pursuant to Section 504 and Title II; and it may also include narrowly tailored requests for medical documentation relating to the parent's or guardian's disability and any

necessary modifications, where the information offered by the parent or guardian with a disability is not sufficient.

- (e) Describe the process for responding to requests for reasonable modifications, including the timeframe for notifying the parent or guardian with a disability of its decision (i.e., grant or deny the request) and if the reasonable modification request is denied, the reason(s) for doing so.

## **2. Reporting Steps**

- (a) By October 23, 2020, the District will submit to OCR for its review and approval a copy of the policies. If OCR requires any changes to the policies, the District will re-submit them within 30 days of receiving notice of the required changes. OCR and the District will continue this process until OCR approves the policies.
- (b) Within ninety (90) days of OCR's approval, the District will adopt the policies, will include notice of the policies on the District's website, and will provide a copy of the policies to the Complainant and the employees who are responsible for implementing them.
- (c) Within fourteen (14) days of OCR's approval, the District will provide OCR with documentation demonstrating its compliance with Section II.A.2(b).

## **B. Training**

### **1. Action Step**

The District will provide effective training to those District employees primarily responsible for receiving and determining requests for reasonable modifications from parents or guardians with disabilities under the policies. At a minimum, the training will include:

- (a) A review of the relevant provisions of the Section 504 and Title II regulations, including the District's duty to consider requests for reasonable modifications, including requests from parents or guardians with disabilities to record their child's special education meetings, and to grant reasonable modifications unless the District can demonstrate that making the modifications would fundamentally alter the nature of its service, program, or activity.
- (b) A review of the policies developed pursuant to Section II.A.1.
- (c) A review of the employees' responsibilities under the policies.

- (d) The position title and contact information for the District employee who is responsible for responding to questions regarding the policies.

## **2. Reporting Step**

By November 30, 2020, the District will provide a report to OCR demonstrating that it has completed the training. The report will include a copy of the training materials, documentation of the employees who attended the training with names and position titles, and information about the qualifications and credentials of the individual(s) who conducted the training.

## **C. Individual Remedy**

### **1. Action Step**

The District will send the Complainant a letter, which at a minimum will include the following information:

- (a) The District is committed to ensuring that it conducts its special education programs and activities in compliance with Section 504 and Title II, and that it does not discriminate against parents or guardians with disabilities who participate in its special education programs and activities.
- (b) The District is committed to providing the Complainant with reasonable modifications consistent with Section 504 and Title II, and the name, position title, and contact information of the employee who is responsible for responding to her reasonable modification requests and any questions about them.
- (c) The District's plan for addressing the Complainant's January 2020 request to audio record the Student's special education meetings.
- (d) The timeframe for when the District will send the Complainant a copy of the policies developed pursuant to Section II.A.1.

### **2. Reporting Steps**

- (a) By October 16, 2020, the District will submit to OCR for its review and approval a copy of its letter to the Complainant. If OCR requires any changes to the letter, the District will re-submit them within 30 days of receiving notice of the required changes. OCR and the District will continue this process until OCR approves the letter.

- (b) Within 30 days of receiving OCR’s approval of the District’s letter, the District will submit to OCR a report demonstrating it has sent the letter to Complainant.

**III. GENERAL PROVISIONS**

- A. The District understands that by signing this 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 Agreement, if necessary, OCR may visit the District, interview employees and students, and other relevant individuals, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms and obligations of the Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the case.
- B. 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 proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

**Signed:**

/s/

9/28/20

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Dr. Dan Zorn  
Superintendent  
Longview School District No. 122

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Date