

**VOLUNTARY RESOLUTION AGREEMENT**  
**Madison School District 321**  
**OCR Reference No. 10201147**

Madison School District 321 (district) enters into this agreement with the U.S. Department of Education, Office for Civil Rights (OCR) to resolve OCR Reference No. 10201147, conducted under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

**A. Open Enrollment Policies and Procedures and Training**

1. **Action Item:** The district will review and revise its open enrollment policies and procedures (revised policies) for both out-of-district applicants and in-district transfers to ensure that students with disabilities are not treated differently from non-disabled students with respect to consideration for placement in the school of their choice, unless the district has made an individual determination that disability-related needs of a particular student with a disability cannot be met at the school of their choice. The revised policies will ensure that such decisions are made by a group of persons knowledgeable about the student, the student's disability evaluation data, and the placement options. The revised policies will also ensure that details regarding such placement decisions, including all persons involved in the making the placement decision, are documented and recorded as part of the district's open enrollment record-keeping. In addition, the notification documents (parent/guardian notice) routinely sent to parents/guardians of students shall include a statement that students with disabilities are not treated differently from non-disabled students with respect to consideration for placement in the school of their choice, unless the district has made an individual determination that disability-related needs of a particular student with a disability cannot be reasonably met at the school of their choice due to appropriate considerations of teacher and staff, resources, program availability, and/or other factors.
  
2. **Reporting Requirements:**
  - a) By April 28, 2021, the district will submit a draft of the revised policies and parent/guardian notice developed in accordance with Action Item A.1 to OCR for review and approval. If OCR requires revisions to either document, the district will re-submit the revised policies and/or parent/guardian notice to OCR within 30 days of receiving notice of the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's revised policies and parent/guardian notice.

- b) Within 45 days of receiving OCR's written approval of the revised policies and the parent/guardian notice, the district will submit to OCR documentation verifying it has adopted and implemented them.
3. **Action Item**: The district will conduct training on the revised policies and parent/guardian notice for all relevant employees who oversee and/or implement the open enrollment process.
4. **Reporting Requirement**: By September 24, 2021, the district will submit documentation verifying its compliance with Action Item A.3, including the names and position titles of all district employee who received the training.

**B. Open Enrollment Student Remedy**

1. **Action Item**: The district will send a letter from the district's Superintendent to the parents and guardians of all students who were denied open enrollment for the 2020-2021 school year based on disability. The letter will inform the parents and guardians that the district is committed to ensuring that students are not excluded from participation in or denied the benefits of the district's open enrollment process based solely on a student's disability. The letter will also explain that the district is making changes to its open enrollment policy and procedures and is inviting them to reapply for open enrollment in any future year when open enrollment is offered. The letter will make clear that the decision to grant a student enrollment under the open enrollment policy will be made based upon consideration of staffing, resources, program availability, and/or other factors, and that the opportunity to re-apply does not guarantee that open enrollment for a student will be approved.
2. **Reporting Requirements**:
  - a) By April 28, 2021, the district will submit a draft of the letter to OCR for its review and approval. If OCR requires revisions to the letter, the district will re-submit the draft letter to OCR within 30 days of receiving notice of the revisions required by OCR. OCR and the district will follow the same process until OCR approves the letter.
  - b) Within 20 days of receiving OCR's written approval of the letter, the district will submit to OCR documentation verifying it has sent the letter to the identified parents and guardians.

**C. General Provisions**

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, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the district has fulfilled the terms and obligations of this Agreement.
2. Upon the district's satisfaction of the terms and obligations of this agreement, OCR will close the case.
3. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or Section 504 at 34 C.F.R. §§104.4 and 104.33, and Title II at 28 C.F.R. § 35.130. 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.
4. This Agreement will become effective immediately upon the signature of the Superintendent or his designee below.

\_\_\_\_\_/s/\_\_\_\_\_  
Dr. Geoffrey Thomas  
Superintendent  
Madison School District No. 321

March 2, 2021  
Date