

VOLUNTARY RESOLUTION AGREEMENT

Marsh Valley Joint School District No. 21 (District) enters into this agreement (Agreement) to resolve an allegation in a complaint (OCR Reference No. 10211066) 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, as needed, revise its written policies and procedures (revised procedures) 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:
 - 1. the District will conduct an evaluation consistent with Section 504 for any qualified student with a disability who needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement;
 - 2. the evaluation will be conducted by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
 - 3. any 504 plan or IEP resulting from such evaluation will address all disability-related areas of need for the student, including a clear description of all necessary related aids and services; and
 - 4. All 504 plans and IEP's will be fully implemented.

Reporting Provision:

- B. By May 31, 2022, 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 developed in accordance with section I.A, above.

Reporting Provision:

- B. Within 60 calendar days of providing documentation to OCR demonstrating the adoption and implementation of the revised procedures as required in section I.C, 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 all teachers and administrators at Marsh Valley High School, and all District special education staff, on the revised procedures. The training will be conducted by a person knowledgeable about the requirements of Section 504 and the revised procedures.

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, including information about the identity and qualifications of the District's proposed trainer, and the proposed training date. If OCR requires changes to the training plan or the proposed trainer, the District will re-submit its materials 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 45 calendar days of the date for the training approved by OCR, the District will provide OCR with documentation that includes the time(s) and date(s) of the training, a copy of any lesson plan used to conduct the training, any handouts or presentation slides used during the training, and a list, by name and job position, of persons who attended the training, and the name and qualifications of the trainer(s).

IV. INDIVIDUAL STUDENT

- A. The District will draft a plan to ensure that Student A's final research paper for his 10th grade English class is graded consistent with other students in the class, using the same grading rubric used for all other students in Student A's 10th grade English class.
- B. The District will update Student A's second trimester grade in 10th grade English for the 2020-2021 school year consistent with the graded paper.

Reporting Provision:

- C. By April 15, 2022, the District will submit to OCR its draft plan for grading Student A's final research paper in his 10th grade English class. The report will include a description of how the District proposes to ensure that Student A's final research paper from his 10th grade English class is graded consistent with other students in the class. 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.
- D. Within 90 days of receiving OCR's approval of the report, the District will submit a report to OCR demonstrating that the District graded Student A's final research paper consistent with its approved plan, and that it updated Student A's grade in the second trimester of his 10th grade English course during the 2020-2021 school year consistent with the grade assigned to the final research paper.

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/_____
Gary Tucker
Superintendent
Marsh Valley Joint School District

____March 15, 2022_____
Date