

VOLUNTARY RESOLUTION AGREEMENT

The North Wasco School District (District) voluntarily agrees to take the following actions to resolve an allegation 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) in OCR Reference No. 10231132.

I. Policies and Procedures

A. Action Item

The District will review and revise its policies and procedures (revised policies) to ensure all qualified students with a disability are provided a free appropriate public education in accordance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. at Part 35. The revised policies will include:

1. The name, title, and contact information for the District staff member, such as the Section 504 coordinator or Special Education Director, who is primarily responsible for identifying and evaluating students to determine their disability-related needs.
2. A procedure for ensuring a timely written acknowledgement for each request for evaluation, including the name, title, and contact information of the District staff member responsible, if not the individual identified in item I.A.1, for processing the request.
3. A procedure for ensuring a timely response to each request for an evaluation, including a decision as to whether to conduct an evaluation, information on the development of evaluation plans, and who (i.e., District staff person, parent/guardian, health care provider, etc.) is responsible for providing information that is needed to evaluate the student.
4. A procedure for ensuring that parents and guardians are provided with procedural safeguards.
5. A procedure for ensuring that its attendance policy does not have the effect of discriminating against students with disabilities.

B. Reporting Provisions

1. By September 1, 2023 the District will submit to OCR, for its review and approval, a copy of the revised policies developed pursuant to Section I.A. If OCR requires changes to the revised policies, the District will resubmit the revised policies within 30 days of receiving notice of the required changes. The District and OCR will repeat this process until OCR approves the revised policies.

2. Within 45 days of receiving OCR's written approval of the revised policies, the District will provide documentation to OCR demonstrating that it has adopted and implemented the revised policies.

II. Notice and Training of District Employees

A. Action Items

The District will provide training to all instructional staff and administrative staff, including the Student Services Director, on its revised policies and procedures, specifically in regards to evaluating, developing, and implementing Section 504 plans for students with disabilities. The District will complete the training by January 1, 2024.

B. Reporting Provisions

1. Within 45 days of receiving OCR's written approval of the revised policies, the District will provide OCR, for its review and approval, information about the training required in Section II.A, including: the name and qualifications of the trainer and a copy of the training materials. If OCR requires changes to the trainer or training materials, the District will re-submit within 30 days of receiving notice of the required changes. The District and OCR will repeat this process until OCR approves the trainer and training materials.
2. Within 30 days following the completion of the training, the District will provide OCR with documentation demonstrating its compliance with Section II.A, including: the date of the training, a copy of the training materials provided to participants, a copy of the sign-in sheet of attendees that identifies them by name and title, and if any required staff were unable to attend the training, the documentation will include information about how and when these individuals will be trained.

III. Notice to Parents, Guardians, Students, and the General Public

A. Action Item

The District will ensure that the revised policies and its nondiscrimination policies and procedures, are made known to, and are readily available to parents, students, and the general public by publishing them in the District's written and electronic publications, such as the student and parent handbooks, and on the District's website. Such postings will include the contact information of the District staff person(s) identified in Section I.A.1.

B. Reporting Provision

Within 90 days of receiving OCR's written approval of the revised policies, the District will provide OCR with documentation demonstrating its compliance with Section III.A, including a copy of its written publications and links to the District's electronic publications described in III.A.

IV. Student Specific Remedies

A. Action Items

By September 15, 2023 the District will convene a group of persons knowledgeable about the Student to consider any medical information provided by the Student's physician, to determine what additional evaluations or assessments are needed, to decide whether the Student needs disability-related services, and if so, to develop a plan to meet her disability-related needs. Any decision regarding the Student's placement, services or accommodations will be made by a group of persons knowledgeable about the Student and will be based upon the Student's individual needs. The group will also determine what compensatory services, if any, are necessary for the District's delay in referring and evaluating the Student for disability services during the 2021-2022 and 2022-2023 school years.

B. Reporting Provisions

By December 1, 2023, the District will provide OCR documentation demonstrating its implementation of Item IV. A. above, including meeting notes, assessments performed, any Section 504 Plan or IEP developed for the Student and whether the District will provide any compensatory services to the Student. If the District determines that the Student is not eligible for compensatory services, it will provide OCR with documentation of the basis for the team's decision. If the District determines that the Student is eligible for compensatory services, it will provide OCR a written determination of the compensatory services offered and the basis for the team's determination.

V. Monitoring Principles

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.

The recipient understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the recipient is in compliance with the terms of the agreement and the statute(s) and regulation(s) at issue in the case.

The recipient understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the

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resolution agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

Signed:

/s/

Carolyn Bernal
Superintendent

Date:

June 30, 2023