

Voluntary Resolution Agreement
Staunton City Public Schools
OCR Case No. 11-14-1074

1. Prior to August 20, 2014, the Division will convene a meeting of staff to determine the Student's placement and will develop an appropriate plan, such as an Individualized Education Program (IEP), to meet the Student's individualized needs based on its evaluation of the Student and consideration of any information submitted by the Student's parent. The determination of the Student's placement and development an appropriate plan for the provision of services will comply with the requirements of 34 C.F.R. § 104.35(c), including that participants involved in the placement decision regarding the Student include individuals knowledgeable about the Student, including her disabilities, the meaning of any evaluation data, and available placement options.

Reporting Requirement

By August 20, 2014, the Division will submit for OCR's review and approval documentation verifying the meeting and decision-making of Division staff in determining the Student's placement and development of an appropriate plan for the Student, including a copy of the plan that was developed. The documentation will also include verification that the process for determining the Student's placement and development of a plan met the requirements of 34 C.F.R. § 104.35(c). OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

2. Prior to August 1, 2014, a team of Division staff members will meet to assess the Student's educational needs and determine whether any loss in educational benefits occurred during the 2013-2014 school year as a result of the Division's failure to evaluate the Student prior to April 11, 2014. If the team determines that the Student experienced a loss in educational benefits during the 2013-2014 school year, the team will:
 - a. Determine what education or services, if any, are needed to offset any educational loss and the appropriate beginning and ending dates that these services will be provided to the Student.
 - b. Provide the Complainant with written notice of the outcome of the meeting, including a description of any services to be provided, the subject areas covered, the amount of services, where and when the services will be provided, including the appropriate beginning and ending dates for the services and any transportation to be provided to the Student in conjunction with these services. The notice will identify the applicable procedural safeguards, in accordance with the requirements of 34 C.F.R. § 104.36. If the team determines that no educational loss occurred in these classes and that no

services are necessary, the Division will provide a written explanation of its decision, including the basis for its decision.

Reporting Requirement

Within 1 week of the completion of the meeting required by item 2, the Division will submit to OCR for review and approval a copy of the meeting minutes or similar documentation from the meeting referenced above; including the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

By December 30, 2014, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

3. The Division will review the circumstances regarding the Student's absences during the 2013-2014 school year to determine whether any were attributable to conditions related to the Student's disabilities and thus should have been coded as excused. The Division will amend the Student's attendance record as appropriate.

Reporting Requirement

Within 1 week of the completion of the meeting required by item 2, the School will submit for OCR's review and approval verification of its review of the Student's absences during the 2013-2014 school year and any resulting revision made to the Student's attendance record.

4. XXXX
5. By September 30, 2014, training will be provided to all School administrators, teachers and staff on application of the Division's attendance policy as it relates to students with disabilities to ensure that the policy is not applied in a manner that discriminates against any student who may have disability-related absences. The training will also address a review of the Division's grievance procedures, including: a discussion of the applicability of the grievance procedures to disability-related discrimination concerns, how such concerns should be processed, and the provision of information about procedural safeguards at Section 504 meetings.

Reporting Requirements

- a. The School will provide for OCR's review and approval a draft of the training materials, including proposed agenda and handouts, in advance of the training.
- b. Within 10 days of the completion of the training session(s), the School will provide a copy of the training agenda, a sign in sheet of attendees, and copies of any documents distributed during the training.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the Division understands that during the monitoring of this Agreement, OCR may visit the Division, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which were at issue in this case.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. Part 35, which were at issue in this case. The Division 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 (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

 /s/
Superintendent (or designee)
Staunton City Schools

 6/20/2014
Date