

**Voluntary Resolution Agreement
Currituck County Schools
OCR Complaint No. 11-14-1148**

Currituck County Schools (the District) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve the allegation in Office for Civil Rights (OCR) Complaint No. 11-14-1148. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

1. By **Sept. 19th, 2014**, the District will draft and provide a notice to the School's Section 504 Coordinator, which will discuss the procedural requirements of Section 504. At a minimum, the notice will include:
 - A. The District's obligation to document and carefully consider information obtained in interpreting evaluation data and making placement decisions, in accordance with 34 C.F.R. §104.35(c); and
 - B. The District's obligation to provide notice of procedural safeguards to parents/guardians, in accordance with 34 C.F.R. §104.36.

REPORTING REQUIREMENT: At least 15 calendar days prior to providing the notice to the School's Section 504 Coordinator, the District will submit for OCR's review and approval a copy of the proposed notice. Within 10 days after OCR's approval of the notice, the District will provide OCR with confirmation that the notice was provided to the School's Section 504 Coordinator.

2. By **Sept. 3rd, 2014** after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student to consider whether there should be any change to the Student's special education or related services and, if so, the group will determine whether the Student requires compensatory and/or remedial services as a result of not providing the Student with the changes to the services from March 2014 to June 2014. If applicable, the group will develop a plan for providing compensatory and/or remedial services, if any, with a completion date not to extend beyond **December 1st, 2014**. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when. The District will provide the Complainant notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: Within one week of the meeting the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referenced in Action Item 2 above; including an explanation for decisions made, and a description of and schedule for providing any compensatory and/or remedial services (if applicable) to the Student and the notice of due process. OCR will review and approve the documentation submitted 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.

REPORTING REQUIREMENT: By **Sept. 8th, 2014** the District will provide the Complainant with written notice of the outcome of the meeting, including a description of any educational loss, and, if applicable, provide the Complainant with a written offer regarding the District's provision of the compensatory and/or remedial services to the Student (including a description of how the services will be provided and a proposed timetable).

REPORTING REQUIREMENT: If the Complainant accepts an offer by the District to provide compensatory and/or remedial services, the District will begin providing the services to the Student within fifteen (15) calendar days from the date of its receipt of the Complainant's acceptance of the District's offer, or at a later date, if agreed upon by the Complainant. The compensatory and/or remedial services shall be delivered in a manner so as not to hinder the delivery of any services that are required by the Student's current educational program.

REPORTING REQUIREMENT: By **Dec. 19th, 2014** the District will provide documentation to OCR of the dates, times, and locations that any compensatory and/or remedial services were provided, and the name(s) of the service provider(s).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the provisions Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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 this 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 and is in compliance with the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

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 (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent
Currituck County Schools

_____/8/24/2014_____
Date