

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Delta Greely School District and the U.S. Department of Education, Office for Civil Rights (OCR) enter into this agreement to resolve the allegations raised by case No. 10091314, a complaint filed under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

II. GENERAL PROVISIONS

- A. OCR agrees to discontinue its investigation of OCR Reference No. 10091314 based upon the district's commitment to take the actions specified in this agreement, which when fully implemented, will remedy the allegations in the above-referenced case.
- B. This agreement resolves the complaint allegations in OCR Reference No. 10091314 and is not intended to constitute, nor will it be deemed to constitute, an admission by the district of any violation of Section 504, Title II, or any other federal civil rights statute.
- C. In the event the district does not adhere to any provision of this agreement, OCR will resume the investigation of this complaint or take other appropriate measures within its authority to effect compliance with Section 504 or Title II with respect to the issues raised in this complaint.

III. SUBSTANTIVE PROVISIONS

By February 15, 2010, the district agrees to take the following actions:

A. Section 504 Free Appropriate Public Education (FAPE) Policies, Procedures, and Practices:

Review and revise, in consultation with OCR, the district's Section 504 policies, procedures and practices to ensure that the district conducts an evaluation and makes a placement decision, in accordance with the requirements of 34 C.F.R. 104.35, of any student currently receiving special education or related services before taking any action with respect to any significant change in the student's placement, including removing a student from a Section 504 plan;

B. Staff Training:

Provide training to all district administrators and staff involved in or responsible for eligibility and/or placement decisions for disabled students pursuant to the policies, procedures and practices referred to in provision III. A., above;

C. The Student In Question:

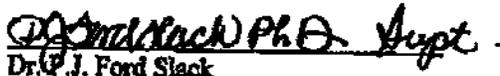
1. Determine whether each of the two "D" grades the student received during the first semester of the 2008-2009 school year resulted in whole or in part from the district's failure to implement and/or inappropriately removing the student's 504 plan and, if so, determine what compensatory services the student should be provided to make up for the failure to implement and/or the inappropriate removal of the student's 504 plan. In making this determination, the district may consider allowing the student, if she so chooses, to complete additional assignments to bring up her grades in the classes in which she received D's.
2. In the event the student re-enrolls in the district, promptly refer the student for an evaluation that will comply with the requirements of Section 504.

IV. **REPORTING PROVISIONS**

By March 15, 2010, the district agrees to provide OCR the following information:

1. A complete copy of the Section 504 FAPE policies and procedures referenced in III.A., above.
2. A complete copy of the training agenda, materials, and roster of attendees for the training referenced in III.B., above.
3. A report concerning the implementation of sections III.C.1 and 2, above. The report shall include the district's determinations and any actions taken by the district concerning compensatory services under section III.C.1, above, and a statement indicating whether the student has returned to the district and, if so, a description of the actions undertaken by the district to conduct an evaluation of the student in compliance with the requirements of Section 504, the outcome of that evaluation, and a copy of any 504 plan developed for the student.

Signed:


Dr. J. Ford Slack
Superintendent
Delta Greely School District

14 December 2009
Date

