

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Springfield School District No. 19 enters into this agreement to resolve the allegations in a complaint (Reference No. 10141030) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under section 504 of the Rehabilitation Act of 1973 and title II of the Americans with Disabilities Act of 1990, and the regulations that implement those statutes at 34 CFR Part 104 and 28 CFR Part 35.

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10141030 and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141030 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. 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 the implementation 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 Section 504 and Title II, at 34 CFR 104.33 and 28 CFR 35.130, respectively, which were at issue in this case.
- D. The district understands that OCR will not close the monitoring of the implementation of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the

regulation implementing Section 504 and Title II, at 34 CFR 104.33 and 28 CFR 35.130, respectively, which were at issue in this case.

- E. 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 CFR 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.

III. RESOLUTION PROVISIONS

A. Policies, Procedures and Practices

By July 1, 2014, the district will review and, if needed, revise the current policies, procedures and practices in effect at XXXXXXXXXXXXXXXXXXXX to ensure that the modifications, accommodations, and services described in Section 504 plans and Individualized Education Plans (IEPs) of disabled students are communicated to the staff members responsible for implementing these plans for each student and that the plans are fully implemented.

B. Notice and Training

1. By August 26, 2014, the district will provide written notice to all administrators, teachers, and staff at XXXXXXXXXXXXXXX of the policies, procedures, and practices which were reviewed and, if needed, revised under Section III.A., above.
2. By September 2, 2014, the district will provide training to all administrators, teachers, and staff at XXXXXXXXXXXXXXX on their obligation to provide disabled students with a free appropriate public education, including the requirement to consistently implement each of the modifications, accommodations, and services described in students' Section 504 plans and IEPs.

C. Student-Specific Actions

1. By May 16, 2014, the district will gather information, including input from the student's teachers and other knowledgeable persons, to determine whether, and to what extent, the provisions in the student's

IEP pertaining to certain classroom modifications and accommodations (frequent checks for understanding, read information aloud, copy of notes available, teacher prompts understanding of work with reference to previous work, use note cards on tests, tests in separate setting at school, explicit expectations or examples of work provided, and time and a half to complete assignments) and certain accommodations for the OAKS assessment (reading the test aloud and one-on-one setting) were implemented during the 2013-2014 school year.

2. By May 21, 2014, the district will convene the student's IEP team to review the information gathered pursuant to III.C.1, above. The student's parents will be invited to participate in this IEP team meeting. If the IEP team determines that any of these provisions of the student's IEP were not implemented, the team will determine what compensatory services, if any, are necessary to remedy the effect of the lack of these classroom modifications and accommodations and testing accommodations on the student's receipt of an appropriate education. The district will promptly provide written notice to the student's parents of the offer of compensatory services and provide such services to the student, unless such services are rejected by the parents.
3. By May 23, 2014, the district will provide written notice to the student's support team and each of her teachers at XXXXXXXXXXXXXXX of the requirements of the student's IEP. Responsible staff will fully implement the plan immediately upon receiving the notice.

IV. REPORTING

A. Policies and Procedures

By July 15, 2014, the district will provide OCR with a copy of the policies, procedures and practices referenced above in section III.A of the agreement for OCR's review and approval.

B. Notice and Training

1. By July 15, 2014, the district will provide OCR with a copy of the written notice referenced above in section III.B.1.
2. By September 12, 2014, the district will provide OCR with a report on the training referenced above in section III.B.2, including a copy of the

training materials, date of training, a copy of the attendance sheet, and the name and title of the trainer.

C. Student-Specific Actions

1. By July 15, 2014, the district will provide OCR a report regarding the implementation of section III.C.1, above. The report will include:
 - a. a description and records of the process the district followed to gather the information required under III.C.1, including the name and job title of the individuals who provided input;
 - b. a description and records of the IEP meeting held pursuant to III.C.2, including the name and job title of the individuals who participated, what information was considered in the determination of whether, and to what extent, the student was not provided certain classroom modifications and accommodations in the student's IEP plan (frequent checks for understanding, read information aloud, copy of notes available, teacher prompts understanding of work with reference to previous work, use note cards on tests, tests in separate setting at school, explicit expectations or examples of work provided, and time and a half to complete assignments) and certain accommodations for the OAKS assessment (reading the test aloud and one-on-one setting), whether the lack of such modifications and accommodations affected the student's receipt of an appropriate education, and the rationale for this determination;
 - c. the compensatory services, if any, were determined to be necessary for the student and a copy of the notice to the student's parents offering these services;
 - d. if compensatory services were offered, the plan for providing the services, including dates, times, and responsible staff members; and
 - e. whether the student's parents accepted the compensatory services for the student offered by the district.
2. By July 15, 2014, the district will provide OCR with a copy of the notice to the student's support team and teachers referenced above in section III.C.3, including the name and job title of the persons who received the notice.

3. If the student's parents accept the compensatory services for the student offered by the district, within 30 days of completion of the compensatory services to the student, the district will provide OCR a report on the compensatory services that includes a description of the services provided, when they were provided, and by whom.

By: _____ / s / _____

Date: ___05/08/2014_____

Dr. Hertica Martin
Superintendent
Springfield School District