

**Voluntary Resolution Agreement
Butler County Schools
OCR Docket Number 03191309**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Butler County Schools (the District) enter into this agreement to resolve the allegations in the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

ACTION STEPS AND REPORTING REQUIREMENTS

Action Step 1: The District recognizes its obligation under the regulation implementing Section 504, at 34 C.F.R. § 104.33, to provide a free appropriate public education to each qualified student with a disability in its jurisdiction. By February 15, 2021, the District will distribute a memorandum to all administrators, faculty, and staff members at XXXXXXXXXXXXXXXXXXXXX (the School), reminding them of the above requirements.

Action Step 1 Reporting Requirement: By February 28, 2021, the District will provide OCR with written confirmation that it has completed Action Step 1, including providing a copy of the memorandum and describing how and when it was distributed.

XX – Paragraphs Redacted – XX

Action Step 8: Following receipt of OCR’s review and approval of the District’s training materials, the District, by August 1, 2021, will conduct training, either in person or virtually, for all administrators, teachers, and staff who are involved in the provision of special education and related aids and services, including but not limited to the identification and evaluation of students who may require special education and related aids and services, as well as the development and implementation of IEPs and Section 504 plans, that includes:

- a) A discussion of the District’s obligation to conduct an evaluation of any student who needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant changes in placement. This discussion will include examples of situations in which school personnel may reasonably conclude that a student needs or is believed to need special education or related aids and services, including, but not limited to, 1) when a teacher, based on observation of or work with the student, expresses the view that an evaluation is needed, or 2) when the parent of a student has requested an evaluation;
- b) A discussion of the District’s obligation, when it has reason to believe that the student’s educational needs are not being met, to consider different or additional approaches or

services to address the student’s behavioral needs, and if necessary, reevaluate the student, which could include evaluating the need for positive behavioral interventions and supports and other strategies to address the student’s behavior.

- c) An explanation that a parent may request an initial evaluation or a reevaluation to determine if a child is a child with a disability, and the use of interventions, including but not limited to Response to Intervention (RTI) services and interventions, cannot be used to delay, deny, or supplant a full and individual evaluation of a child suspected of having a disability;
- d) An explanation that the District must seek parental consent for the evaluation within a reasonable period of time after the identification or referral of a student for evaluation or reevaluation; and
- e) A discussion of the District’s evaluation and eligibility determination procedures and timeframes required under Section 504 and Title II, in accordance with 34 C.F.R. § 104.35.

The training will be recorded so that anyone who is not able to attend can participate on a later date. All training will be complete by September 1, 2021. In the event a person is not able to participate due to a leave of absence, they will review the training within 30 days of returning to the District.

Action Step 8 Reporting Requirement:

- 1. By March 1, 2021, the District will submit to OCR for review and approval a copy of the training materials it intends to use to effectively provide the training required by Action Step 8.
- 2. Within 30 days after the training required by Action Step 8 is provided, the District will provide documentation to OCR showing it has completed the training. The documentation must include the following:
 - a. Date, time, and location of the training;
 - b. A list of individuals, by name and title, who attended the training;
 - c. Documentation that each of the topics set forth in Action Step 8 were addressed during the training, as well as copy of the materials that were used to conduct the training; and
 - d. Name(s), title(s), and credentials of the individual(s) who conducted the training.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 and obligations of this Agreement. Upon District's satisfaction of the commitments made under this Agreement, OCR will close the 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. §§ 108, 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

/s/

Superintendent or Designee

1-4-2021

Date