

**Voluntary Resolution Agreement**  
**Boyd County Public Schools – OCR Complaint No. 03201180**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) enters into this Agreement to resolve Allegation 1 of the above-referenced complaint with the Boyd County Public Schools (the District). The District agrees to take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their respective implementing regulations, at 34 C.F.R Part 104 and 28 C.F.R. Part 35, which prohibit discrimination based on disability and specifically, the following provisions of the Section 504 and Title II regulations which were at issue in this complaint: 34 C.F.R. § 104.4, 34 C.F.R. §§ 104.33-36, 34 C.F.R. § 104.61, and 28 C.F.R. § 35.130.

Prior to the completion of OCR’s investigation, the District agreed to resolve Allegation 1 of this complaint pursuant to Section 302 of OCR’s Case Processing Manual. Accordingly, to resolve Allegation 1, the District agreed to take the following actions.

In entering into this Agreement, OCR acknowledges that it has not made a finding that the District failed to adhere to, abide by, or in any other way failed to observe the statues and/or regulations that OCR enforces. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

**Action Item 1**

By November 18, 2020, after providing proper written notice to the Student, a group of knowledgeable persons, including the Student, the District will determine whether the Student needs compensatory and/or remedial services as a result of the District’s XXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX during the 2019-2020 school year were based on her disability. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond January 1, 2021. The District will provide the Student notice of the procedural safeguards including the right to challenge the group’s determination through an impartial due process hearing.

**Reporting Requirements:**

- a) Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the District will submit to OCR documents supporting the group’s decision. The documentation submitted shall include documentation showing 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, prior to approving the District’s decision and plan for providing the proposed services, 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.

