

Voluntary Resolution Agreement
Boone County Schools
OCR Complaint #03231120

The U.S. Department of Education, Office for Civil Rights (OCR) and the Boone County Schools (the District) enter into this Agreement to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. Prior to the completion of OCR's investigation, the District agreed to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. 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), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131-12134, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities.

The District acknowledges its obligation to provide a free appropriate public education (FAPE) to each qualified individual with a disability within its jurisdiction in accordance with Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130, including adherence to the requirements of 34 C.F.R. § 104.35 (evaluation and placement) and § 104.36 (procedural safeguards).

ACTION STEPS AND REPORTING REQUIREMENTS

1. By August 30, 2023, the District will reconvene the Student's Section 504 Team (the Team), consisting of persons knowledgeable about the Student, including the Student's parent(s), the Assistant Superintendent and knowledgeable staff from the Student's school, to make the determinations identified below in Action Steps 1.a.-c. The District will provide the Student's parent(s) a meaningful opportunity to provide input into the determinations, written notice of the determinations made, and notice of the procedural safeguards available to them under the Section 504 implementing regulations at 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing.

Specifically, the Team will:

- a. XXX
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- b. Determine whether the District has failed to implement the Student's 504 Plan during the XXXXXXXX school year, and whether that has resulted in an educational loss; and
- c. Determine whether any compensatory education and/or other remedial services for the Student are necessary from XXXXXXXXXX, through the date of the 504 team meeting required by this Agreement. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
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XXXXXXXXXX, in addition to whether the District failed to implement his 504 Plan, and determine whether it constituted an educational loss. The Team will develop a written

plan for providing the Student with the compensatory education and/or other remedial services, if deemed necessary. Any such plan will identify the nature and amount of the services to be provided at no cost to the Student's parent(s), by whom, and when, and will become a part of the Student's Section 504 Plan.

Reporting Requirement: By September 15, 2023, the District will provide OCR with documentation showing implementation of Action Step 1 above, including: the names and titles of the individuals who attended the Section 504 meeting; a copy of any meeting minutes; a copy of the Student's 504 Plan; a copy of any plan for compensatory education and/or other remedial services developed for the Student; documentation of any input provided by the Student's parent(s), and documentation showing that procedural safeguards were provided to them; and any other documentation relevant to the determinations reached in accordance with Action Step 1 above. If the Team determines that the Student's current 504 Plan does not need to be amended and/or determines that compensatory education and/or other remedial services for the Student are not necessary, the District will provide a written explanation for the determination(s), along with supporting documentation. OCR will review the documentation submitted to ensure that the District has met the procedural requirements of the regulation implementing Section 504 at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in reaching these decisions.

As applicable, by October 30, 2023, the District will provide OCR with documentation of the dates, times, and locations that compensatory education and/or other remedial services, if required, were provided, a description of what was provided, and the name(s) of the service provider(s).

2. Within 15 calendar days of the Section 504 Team meeting, the District will provide the Student's parent(s) with a copy of the Section 504 Plan, and if applicable, a copy of any written plan for providing the Student with compensatory education and/or remedial services, and written notification of the Team's decision with regard to Action Steps 1.a.- c. above.

Reporting Requirements: By September 30, 2023, the District will provide OCR with documentation showing implementation of Action Step 2 above, including a copy of any notification sent to the Student's parent(s) pursuant to Action Step 2 above.

3. Within 30 calendar days of the Section 504 Team meeting, the District will provide a copy of the Student's 504 Plan to: School administrators at the Student's current school (i.e., the school principal, assistant principal, etc.); the District's special services director; the Student's teachers; the Student's substitute teachers; and all other relevant District staff (e.g., lunchroom staff, health aide, etc.). The District will obtain signatures from all District personnel acknowledging receipt of the Student's 504 Plan and HCP.

Reporting Requirement: By September 30, 2023, the District will provide OCR with documentation showing implementation of Action Step 3 above, including: verification of the date the District provided a copy of the Student's 504 Plan and HCP to administrators, the District's special services director, the Student's teachers, the Student's substitute teachers, and all other relevant District personnel (please identify each staff member by name and title); and a copy of the signatures obtained from District personnel acknowledging receipt of the Student's Section 504 Plan and HCP (please identify each signature by name and title).

4. By September 15, 2023, the District will provide training on the requirements of the Student's Section 504 Plan to: School administrators (*i.e.*, the school principal, assistant principal, etc.); the School's Section 504 Coordinators; the Student's teachers; and District staff responsible for implementing the Student's 504 Plan (e.g.,
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Reporting Requirement: By September 30, 2023, the District will provide OCR with documentation showing implementation of Action Step 4 above, including: the name(s) and title(s) of the trainer(s); the date(s) and time(s) of the training(s); copies of the agenda and any training materials distributed; and sign-in sheets, indicating name(s) and job title(s).

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Reporting Requirement: By September 30, 2023, the District will provide OCR with a copy of the memo described in Action Step 5 above, including the distribution list of the recipients of the memo.

By signing the Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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 the Resolution Agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, that were at issue in this case. Upon the District's satisfaction of the terms and obligations of the Resolution Agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104, and Title II and its implementing regulation, 28 C.F.R. Part 35 that were at issue in this case, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 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

6/29/2023
Date