

Resolution Agreement
Boulder Valley School District
Office for Civil Rights Case Number 08-18-1365

The U.S. Department of Education, Office for Civil Rights (OCR) and the Boulder Valley School District (District) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Agreement Terms

Agreement Item 1

By **August 14, 2018**, the District will conduct an IEP evaluation and review meeting regarding the Student to consider parents' request to retain the Student in the 4th grade. In interpreting the evaluation data and in making the decision concerning retention, the District shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) ensure that information obtained from all such sources is *documented* and *carefully* considered, (3) ensure that the retention decision is made by a group of persons, including the parents and persons knowledgeable about the child, the meaning of the evaluation data, and the retention options, (4) ensure that the retention decision is made in conformity with 34 C.F.R. §§ 104.34, and 104.35, and (5) ensure that parents are provided their procedural safeguard rights in conformity with 34 C.F.R. § 104.36.

Reporting Requirement 1

By **August 27, 2018**, the District will provide OCR with a copy of documents created in the IEP evaluation above, including a summary how all sources of information were documented and carefully considered, the final decision of the team, a list of all IEP team participants with their respective titles, a copy of the revised IEP as appropriate and verification that parents were notified in writing of their procedural safeguard rights.

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 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 regulations implementing Section 504 and Title II, at 34 C.F.R. §§

104.61, which incorporates the Title VI regulation at 34 C.F.R. § 100.7(e), and the Title II regulation at 28 C.F.R. § 35.134, which were at issue in these cases.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. §§ 104.61, which incorporates the Title VI regulation at 34 C.F.R. § 100.7(e), and the Title II regulation at 28 C.F.R. § 35.134.

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. §§ 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/

8/4/2018

For Boulder Valley School District

Date