

RESOLUTION AGREEMENT
Boulder Valley School District RE-2
08-20-1404

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Boulder Valley School District RE-2 (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.

- 1. Compensatory Education or Related Services.** No later than 21 days after the District enters Phase 3 of its reintroduction plan due to COVID-19, the District shall convene the Student's individualized education program (IEP) team to consider whether the Student was denied a free and appropriate public education (FAPE) as the result of the District's failure to fully implement the Student's IEP while attending the extended school year during the summer between the 2019-20 and 2020-21 school years.

Reporting Requirement: No later than 30 days after the IEP team convenes in accordance with Paragraph 1, the District will submit documentation to OCR that includes:

- a) A copy of the summary of information the team considered in reaching its determination regarding whether and, if so, what compensatory services are appropriate for the Student;
- b) Documentation of the team's decision as to whether and, if so, what compensatory services are necessary for the Student and the basis for those decisions;
- c) If applicable, a plan for the prompt provision of compensatory services to the Student at no cost to the Complainant; and,
- d) If applicable, documentation that the Complainant was notified in writing of the compensatory education and related services offered by the District.

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 of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. part 104 and Title II and its implementing regulation at 28 C.F.R. part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34. C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/ _____
Dr. Rob Anderson
Superintendent
Boulder Valley School District

_____ August 17, 2020
Date