



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DENVER, CO 80204-3582

REGION VIII

ARIZONA
COLORADO
NEW MEXICO
UTAH
WYOMING

RESOLUTION AGREEMENT

Education ReEnvisioned BOCES
OCR Case Number: 08-21-1351

The Education ReEnvisioned BOCES (BOCES or Recipient) voluntarily enters this Resolution Agreement (Agreement) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), Denver Office. The Recipient voluntarily agrees it will take the following actions to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulations at 28 C.F.R. Part 35, and to resolve the Complainant's disputed allegations. This Agreement does not constitute an admission by BOCES that it violated any law, that it discriminated against the Complainant, or that the BOCES engaged in any wrongdoing. Prior to the completion of OCR's investigation, the BOCES agreed to resolve the disputed complaint on the terms set out below. Accordingly, the BOCES voluntarily agrees to take the following actions:

ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1

No Later than October 31, 2021, the Recipient will offer to evaluate the Student for compensatory or remedial services. The offer will be made via email or registered mail and will provide the Complainant at least 5 business days to respond.

If the Complainant accepts the offer to evaluate the Student, the Recipient will hold a team meeting with the participants who are knowledgeable about the Student to determine whether compensatory or remedial services are appropriate.

If the Complainant declines the offer to evaluate the Student and hold a team meeting, the Recipient will have no further obligations under Action Item 1.

Reporting Requirements for Action Item 1

- A. **No Later than November 15, 2021**, the Recipient will provide proof of delivery of the offer (i.e., email chain, registered mail delivery receipt) and proof of the Complainant's acceptance or rejection of the offer to evaluate the Student and hold a team meeting.
- B. If the Complainant accepts the offer to evaluate the Student and hold a team meeting, **no Later than December 15, 2021**, the Recipient will provide OCR proof that the team meeting was held.

Action Item 2

No later than January 31, 2022, the Recipient will conduct training regarding its obligation under Section 504 and Title II (Training). The Training will include, but not be limited to, the following obligations under Section 504 and Title II:

- convening properly constituted IEP meetings to make decisions such as adding or subtracting services.
- that persons knowledgeable about the student are present at such IEP meetings.
- that no single person may make IEP decisions including the adding or subtracting of services.
- that such IEP meetings will be carefully documented to include the names and signature of those parties present for the meeting and the decisions reached at the meeting.

The Training(s) above will be provided to all relevant personnel at xxxxxxxxxx (xxxx or School), including, but not limited to, principals, assistant principals, and relevant administrators, Section 504/Title II coordinators, teachers, teacher's aides, and counselors providing services to students with disabilities. The Training(s) will be conducted by an individual or individuals knowledgeable about laws and issues pertaining to disability discrimination, including Section 504 and Title II.

Reporting Requirements for Action Item 2

- A. **Prior to the trainings required by Action Item 2 being held, and no later than December 31, 2021**, the Recipient will provide OCR, for review and approval, the following:
- i. A copy of the Training materials the Recipient will use (e.g., Power Point slides, discussion materials);
 - ii. The name, title, credentials, and contact information for the person(s) who created the Training materials and who will provide the Training.
- B. **No later than February 28, 2022**, the Recipient will provide OCR with detailed information regarding the training conducted pursuant to Action Item 2, including the following:
- i. A list of all personnel who completed the Training(s) (e.g., sign-in sheets) (List);
 - ii. Assurance that the List constitutes the entirety of the personnel required to attend the Training(s);
 - iii. The date(s) of the Training(s);
 - iv. A copy of the Training materials used; and
 - v. The name, title, credentials, and contact information of the person(s) who provided the Training.

The Recipient understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the Recipient understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement.

Upon the Recipient's satisfaction of the commitments made under the Agreement, OCR will close the case and provide written notice to BOCES that it has done so.

The Recipient 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 Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

EXECUTION:

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

BOCES Representative
Education ReEnvisioned BOCES

Date