

RESOLUTION AGREEMENT
San Luis Valley BOCES
Case Number 08-22-1209

San Luis Valley BOCES (the BOCES) enters into this agreement to resolve the allegation in the above-referenced complaint. Prior to the completion of OCR's investigation, the BOCES agreed to resolve the allegation pursuant to Section 302 of OCR's *Case Processing Manual*.

This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the BOCES. The BOCES assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

1. The BOCES will develop and implement a plan¹ to ensure that the Extended Services classroom described in the complaint is re-located to an integrated and accessible setting; that ensures students have access to the general education setting to the maximum extent appropriate to their individual needs; and that ensures that students will not lose instructional time when moving between buildings.

REPORTING REQUIREMENT 1(a): By August 1, 2022, the BOCES will provide to OCR a written summary of its plan for the program for the 2022-23 academic year, including at minimum:

- A description of the classroom and its location;
- Verification that there is an accessible route in and out of the classroom and building, and access to an accessible restroom²;
- A list of students including grade and district of residence;
- Verification that the students will have access to the general education setting; and
- Verification that students will not lose instructional time when moving between buildings.

REPORTING REQUIREMENT 1(b): By September 1, 2022, the BOCES will provide to OCR an update on the implementation of its plan, including at minimum:

- Documentation that the classroom has been relocated as planned; and
- Class schedules showing when each student participates in the general education setting.

2. The BOCES will discontinue using the portable classroom unit at issue in this complaint to provide services to students with disabilities.

¹ The tentative plan described in the BOCES response to OCR's data request to locate the program at the middle school in North Conejos is acceptable to OCR in terms of its integration with other students.

² The restroom does not need to be inside the classroom.

REPORTING REQUIREMENT 2: By September 1, 2022, the BOCES will provide to OCR a written statement, on letterhead and signed by the Executive Director, that the BOCES has discontinued using the portable classroom unit to provide services to students with disabilities and will not resume doing so in the future.

The BOCES understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the BOCES understands that during the monitoring of this Agreement, OCR may visit the BOCES, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the BOCES 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. § 104.4 and § 104.34; and 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The BOCES 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 BOCES 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 BOCES representative below.

For San Luis Valley BOCES:

/s/ Jacqueline Phillips, Executive Director

7/22/22

Name/Title

Date