

**Voluntary Resolution Agreement
Carbon County School District No. 2
OCR Case No. 08-22-1574**

The United States Department of Education (Department), Office for Civil Rights (OCR), initiated investigation of the above-referenced complaint against Carbon County School District #2 (District), pursuant to Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35.

Before OCR had completed its investigation, the District indicated its willingness to resolve the complaint voluntarily and take steps to ensure compliance with Section 504 and Title II. Pursuant to Sections 302 of OCR's *Case Processing Manual*, a complaint may be resolved when a recipient expresses an interest in resolving the allegations before the conclusion of OCR's investigation and OCR determines that it is appropriate to resolve them because OCR's investigation has identified compliance concerns that can be addressed through a resolution agreement. Those concerns pertained to the District's practices for implementing IEPs and the implementation of the Student's IEP during the 2021-22 and 2022-23 school years.

Accordingly, to resolve the compliance concerns that OCR has identified to date in this investigation, the District voluntarily agrees to take the following actions. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

Individual Remedies for the Student

1. The District will convene an Individual Education Program (IEP) meeting with a group of persons knowledgeable about the Student, the meaning of the evaluation data, and placement options within the District **within 45 calendar days of signing this Agreement** to determine: a) if any clarifications or amendments need to be made to the services and accommodations in the Student's May 4, 2022 IEP; and b) what, if any, compensatory services or remedial measures the District should provide to the Student (at no cost to the Student's parent) for the District's failure to consistently provide any of the services or accommodations in the Student's IEP during the 2022-23 school year. **Within one business day of the IEP meeting**, the District shall provide a full copy of the Student's IEP with an explanation of any changes to the services or accommodations to all the Student's teachers and service providers. The District shall also notify the Complainant and the Student's parent in writing of the District's determinations and provide the Student's parent with notice of the District's system of procedural safeguards.

REPORTING REQUIREMENT 1: Within 10 calendar days of convening the IEP meeting for the Student, the District will provide documentation to OCR indicating that the District complied with Term 1. This report shall include, at a minimum, a copy of the Student's IEP, if amended; a written statement reflecting the determination made by the team with regard to compensatory services or remedial measures and the information considered in reaching that determination;

and any notices/communications provided to the Complainant, the Student's parent, and the Student's teachers and service providers in accordance with Term 1.

2. If the IEP team determines that compensatory services or remedial measures are necessary for the Student in accordance with Term 1, **within 15 calendar days of said determination**, the IEP team will develop a compensatory education plan (Compensatory Education Plan) that specifies, at a minimum, the type of services to be provided to the Student, the manner in which the services will be provided, when the services will be provided, the individuals responsible for providing the services, and the length of time the services will be provided. The District will promptly notify the Complainant, the Student's parent, and the Student's teachers and service providers of the IEP team's decisions regarding compensatory services or remedial measures and provide the Complainant, the Student's parent, and the Student's teachers and service providers with a copy of the Compensatory Education Plan, if one was created.

REPORTING REQUIREMENT 2A: If the IEP team determines that compensatory services or remedial measures are necessary for the Student, then **within 20 calendar days of said determination**, the District will provide OCR with a copy of the Compensatory Education Plan developed to provide the Student with those compensatory/remedial services, a list of individuals (by name and title) who participated in the development of the Compensatory Education Plan, a summary of the information the team considered in developing the Compensatory Education Plan, and the communications with the Complainant, the Student's parent, and the Student's teachers and service providers regarding the Compensatory Education Plan. The District agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the District that the Compensatory Education Plan has been approved.

REPORTING REQUIREMENT 2B: If a Compensatory Education Plan is developed pursuant to Term 2, then the District will provide documentation to OCR demonstrating the provision of the services in the Compensatory Education Plan **within 30 calendar days of providing OCR with a copy of the Compensatory Education Plan, and every 60 calendar days thereafter, until the District has completed providing all the services set forth in the Compensatory Education Plan.**

Policies and Procedures

3. The District will draft for OCR's review and approval revisions to the Special Education Handbook (Handbook) that include: a) the District's obligations under Section 504 and Title II to fully and consistently implement students' Individualized Education Programs (IEPs) and Section 504 plans; b) the obligations of school administrators, case managers, special education staff, service providers, and teachers to ensure that students' IEP and 504 services, accommodations, and modifications are implemented consistently and with fidelity; c) a statement that the failure to implement a student's IEP or Section 504 plan

may be a violation of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II); d) the District's procedures for notifying case managers, special education staff, service providers, and teachers of the creation and/or amendment of a student's IEP or Section 504 Plan; e) where to locate a Student's full IEP or Section 504 Plan, including any amendments to those plans and notes explaining the terms; and f) who to contact if staff have questions about the meaning of an IEP or 504 Plan provision and/or their responsibilities with respect to implementation of the provision.

REPORTING REQUIREMENT 3: Within 60 calendar days of signing this Agreement, the District will provide a draft of the revised Handbook to OCR for review and approval. The District agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the District that the revised Handbook is approved.

4. The District will disseminate its revised Handbook to all administrators, case managers, special education staff, service providers, and teachers of the School, and any other staff the District deems appropriate, in whatever manner the District typically communicates important information to employees.

REPORTING REQUIREMENT 4: Within 15 calendar days of OCR's approval of the revised Handbook, the District will provide OCR with documentation demonstrating the completion of Term 4, including how, when, and to whom the revised Handbook was disseminated.

5. The District will draft for OCR's review and approval training materials for all administrators, case managers, special education staff, service providers, and teachers of the School, and any other staff the District deems appropriate, regarding the District's obligations under Section 504 and Title II to fully and consistently implement students' Individualized Education Programs (IEPs) and Section 504 plans. The training should address, at a minimum, all the revisions made to the Handbook pursuant to Term 3 of this Agreement and may be provided virtually.

REPORTING REQUIREMENT 5A: Within 30 calendar days of OCR's approval of the revised Handbook required by Term 3, the District will provide for OCR's review and approval plans for the training as described in Term 5. This staff training plan will include a copy of draft training materials and the names and qualifications of the trainer(s) the District proposes to use to fulfill Agreement Term 5. The District agrees to fully and promptly respond to OCR's concerns, if any, until OCR notifies the District that its training materials and proposed trainer(s) are approved.

REPORTING REQUIREMENT 5B: Within 90 calendar days of OCR's approval of the training plan and trainer(s) required by Term 5, the District will provide OCR with documentation that demonstrates that the training has been completed. This documentation will include, but is not limited to, the date(s) of the training, a list of all administrators, case managers, special education staff, service providers, and

teachers of the School with their titles, and a list of training participants. If any required staff are absent from the training, please identify the employee(s) and a plan to ensure that the individual(s) are trained.

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, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement and dismiss the case 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.

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 a minimum of 60 calendar days to cure the alleged breach.

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

For District:

/s/

2/27/23

Date