

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Belgrade School District No. 44 enters into this agreement to resolve the allegations in a complaint (Reference No. 10141410) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under 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 regulations at 28 C.F.R. Part 35.

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10141410 and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141410 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. 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 the implementation 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 at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35, which were at issue in this case.
- D. The district understands that OCR will not close the monitoring of the implementation of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. Part 104 which was at issue in this case.
- E. The district understands and acknowledges that, if it does not fully implement this agreement, OCR may take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (see 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 a minimum of sixty (60) calendar days to cure the alleged breach.

III. RESOLUTION PROVISIONS

A. Procedures and Practices

1. The district will review and revise for OCR's review and approval, its current policies, procedures, and practices to ensure that all regular and special education and related aids and services are provided to qualified students in accordance with Section 504 and Title II, and their implementing regulations at 34 C.F.R. Part 104 and 28 C.F.R. Part 35. The policies and procedures must specifically ensure that:
 - a. The district will provide all regular and special education and related aids and services to each student with a disability that the district has determined, in accordance with Section 504 procedures, are necessary to ensure that the student is provided a free appropriate public education, including all of those services identified in a student's Section 504 plan or individual education program (IEP).
 - b. The district will implement all provisions contained in each student's Section 504 plans and IEPs, by consistently providing all regular and special education and related aids and services identified in the plans unless a placement decision consistent with the procedural requirements of Section 504 is made and that particular aid or service is no longer necessary or appropriate.
 - c. The district will promptly and effectively notify relevant district administrators and staff of a student's Section 504 plan or IEP so that all regular and special education and related aids and services identified in the plans can be implemented in a timely manner.
2. Within 90 calendar days of receiving OCR's feedback on the draft policies and procedures reviewed and revised by the district pursuant to section III.A.1. of this agreement, the district will incorporate OCR's input and adopt and implement the policies and procedures.

B. Notice and Training

1. Within 30 calendar days of adopting the revised policies and procedures, the district will provide written notice to all administrators and staff of the district's disability-related policies, procedures, and practices.
2. By **September 30, 2015**, the district will initiate a program to provide, at a minimum, annual training to all identified administrators and staff on their obligation to provide disabled students with approved academic adjustments and auxiliary aids and services in accordance with Section 504 and its implementing regulations at 34 C.F.R. Part 104, and Title II at 28 C.F.R. Part 35.

IV. REPORTING

A. Policies and Procedures

1. By **March 1, 2014**, the district will provide for OCR's review and approval with the results of its review of its policies, procedures, and practices as described in section III.A, above.
2. As promptly as possible, OCR will review and provide feedback to the district about the results of its review submitted to OCR pursuant to section IV.A.1, above.
3. Within 30 calendar days of adopting the policies and procedures pursuant to section III.A, of this agreement, the district will provide OCR with a detailed report about its adoption and implementation of the policies and procedures. The report will include the method by which the policies and procedures were adopted, the date of the adoption, the district's plan for implementation of the policies and procedures, and a copy of the adopted policies and procedures.

B. Notice and Training

1. By **June 1, 2015**, the district will provide OCR a copy of the written notice referenced above in section III.B.1, above.
2. By **October 31, 2015**, the district will provide OCR a report on the training referenced above in section III.B.2, above. The report will include a copy of the training materials, date of training, a copy of the attendance sheet, and the name and title of the trainer used for the 2014-2015 academic year.

3. By **October 31, 2015**, the district will provide OCR with a report describing the actions initiated by the district to provide the annual training referenced in section III.B.2., above.

Signed:

_____/ s / _____ January 6, 2015
Candy Lubansky Date
Superintendent
Belgrade School District No. 44