

VOLUNTARY RESOLUTION AGREEMENT

The Boise School District (district) enters into this agreement (Agreement) to resolve an allegation in a complaint (OCR Reference No. 10161633) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35.

I. POLICIES AND PROCEDURES

- A. The district will review and revise, as needed, procedures (revised procedures) to ensure that all teachers, substitute teachers and classroom aides, as appropriate, are consistently provided with the special education and/or related aids and services contained in the Section 504 plans or IEPs of all students who are enrolled in their respective classrooms.

Reporting Provisions:

- B. By December 21, 2020, the district will submit the revised procedures to OCR for its review and approval. If OCR requires changes to the revised procedures, the district will re-submit the revised procedures within 30 calendar days of receiving notice of the required changes. The district and OCR will continue this process until OCR approves the revised procedures.
- C. Within 30 calendar days of receiving OCR's written approval of the revised procedures, the district will provide documentation to OCR demonstrating the district has adopted and implemented the revised procedures, such as a copy of the publications containing this information or a link to the on-line version of the revised procedures.

II. NOTICE

- A. The district will provide written notice to all instructional and administrative staff which informs staff of the following:
 - 1. that the district is committed to complying with Section 504 and Title II, including the obligation to consistently provide all services listed in Section 504 plans/IEPs;

2. the revised procedures, including how they differ from the district's prior policies, procedures, and practices;
3. that staff should make substitute instructional staff aware of students' IEPs/504 plans to ensure the continued implementation of those plans while regular instructional staff is unavailable;
4. that staff should promptly report to school and district administrators any concerns regarding the implementation of a student's education program; and
5. that school or district administrators will take responsive action to ensure that concerns regarding proper implementation of a student's educational program are resolved as promptly as possible.

Reporting Provision:

- B. Within 60 calendar days of receiving OCR's written approval of the revised procedures, the district will provide OCR with a copy of the notice and information about the method and date of distribution.

III. INDIVIDUAL RELIEF

- A. The district will prepare a letter to the student explaining that although the district's practice was to provide anticipatory notice of field trips such notice may not have been provided, and the substitute teacher was not made aware of the Section 504 plan with respect to a field trip that occurred in XXXXXXXX, and describing the corrective actions being taken by the district to ensure all students with disabilities receive all special education and/or related aids and services necessary for students to receive a free appropriate public education.

Reporting Provisions:

- B. By December 21, 2020, the district will provide, for OCR's review and approval, a draft of the letter developed in accord with the above provision. If OCR requires any changes to the draft letter, the district will make the changes and resubmit the draft letter within 30 days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has approved the procedures.
- C. Within 30 days of receiving OCR's approval of the draft letter, the district will send the letter to the student.

- D. Within 30 days of sending the letter, the district will provide OCR with a copy of the letter that was provided to the student.

IV. GENERAL MONITORING PRINCIPLES

- A. The district understands that by signing this Agreement, it agrees to provide OCR data and other information in a timely manner in accordance with the reporting requirements of the 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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close this case.

- B. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement. Before initiating such proceedings, OCR will give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

Date:

_____/s/_____
Superintendent (or designee)

_____October 7, 2020_____