

## VOLUNTARY RESOLUTION AGREEMENT

Iditarod School District (the district) enters into this agreement to resolve the allegations in OCR Reference No. 10171009, 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 Title II of the Americans with Disabilities Act of 1990 (Title II).

### I. Policies and Procedures

- A. The district will review and revise, as appropriate, its current policies and procedures (revised procedures) to ensure that the district provides a free appropriate public education (FAPE) to all students with a disability within its jurisdiction, regardless of the nature or severity of the student's disability, 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 revised procedures will include, but not be limited to ensuring that:
1. all students who need or are believed to need special education and/or related aids and services are evaluated in a manner consistent with the requirements of 34 C.F.R. § 104.35(a) and (b);
  2. in making placement decisions for all students who have been identified as needing special education and/or related aids and services, the district will draw upon information from a variety of sources and ensure that the placement decision is made by a group of knowledgeable persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, consistent with the requirements of 34 C.F.R. § 104.35(c);
  3. all students with disabilities receive all the services that the Section 504 or IEP team determines are appropriate for each student to receive a FAPE as required by 34 C.F.R. § 104.33, including, but not limited to, services that may require a professional service provider;<sup>1</sup>
  4. all services provided to disabled students that need to be provided by a professional service provider are provided by professionals that have the

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<sup>1</sup> All references in this agreement to "professional service providers" refers to those providers that require special training and/or qualifications to provide necessary services for disabled students in order for the students to receive a FAPE including, but not limited to, behavioral specialists; occupational therapists; speech and language pathologists; psychologists; and, physical therapists. Professional service providers may be either district staff or contracted employees of other agencies.

appropriate certification, licensing, and/or training to provide the services to the disabled students; and

5. all provisions contained in each student's Section 504 plan or IEP are implemented, unless a placement decision consistent with the procedural requirements of Section 504 is made that special education and/or a related aid or service is no longer necessary or appropriate.
- B. Reporting Provision: By **October 25, 2019**, the district will submit to OCR, for its review and approval, a draft of its revised procedures pursuant to section I.A, above. If OCR requires any changes to the current or revised procedures, the district will re-submit the revised procedures within 30 calendar days of receiving notice of the required revisions from OCR. The district and OCR will continue this process until OCR approves the revised procedures.
- C. Reporting Provision: Within 45 days of receiving OCR's written approval of the revised procedures, the district will adopt and implement the revised procedures and provide OCR a report regarding the adoption and implementation of the revised procedures, such as documentation showing approval by the school board or superintendent of the revised procedures.

## II. Notice

- A. The district will provide written notice of the revised procedures to all instructional and administrative staff working at the district. The notice may be made electronically by e-mail, or by mail.
- B. The district will publish its approved revised procedures on the district's publicly accessible website and school websites. If a school does not have a website, the school will provide written notice to all parents of the revised procedures, with a description where the parents can review the revised procedures.
- C. Reporting Provision: Within 45 days of receiving OCR's written approval of the revised procedures, the district will submit a draft of the notice described at II.A., above, to OCR for review and approval. OCR will review the draft notice submitted by the district and notify the district if revisions are required. If OCR requires revisions to the draft, the district will re-submit the revised notice to OCR for review and approval within 30 days of receiving the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's notice.

- D. Within 30 days of receiving OCR's written approval of the notice, the district will provide the notice to all instructional and administrative staff at the school.
- E. Reporting Provision: Within 45 days of receiving OCR's written approval of the revised procedures, the district will submit to OCR the weblinks to the district's publicly accessible website and school websites where the procedures are published, or a copy of the written notice to all parents of the revised procedures.

III. Compensatory Education Services

- A. By **October 25, 2019**, the district will conduct a review of the provision of special education and related aids and services provided to each student in the district with an IEP or Section 504 plan from the start of school in July 2016 through October 7, 2016, to determine whether all special education and related aids and services identified as necessary in the student's IEP or Section 504 plan were provided to the student as required by 34 C.F.R. § 104.33.
- B. By **October 25, 2019**, the district will conduct a review of the IEPs and Section 504 plans of all students in the district from the start of school in July 2016 through October 7, 2016, to determine whether any of these students had their IEPs or Section 504 plans changed without a placement decision being made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options as required by 34 C.F.R. § 104.35(c).
- C. Reporting Provision: By **November 15, 2019**, the district will provide OCR with a report of its review and determinations pursuant to Section III.A-B, above. The report will include the names and position titles of the individuals who completed the review, and a description of the information used to conduct the review, including student IEP's and Section 504 plans; allocation of staff at each school; allocation of contracted employees from outside agencies; and qualifications of instructional staff and professional service providers.
- D. Reporting Provision: By **November 15, 2019**, if through the review of student files under III.A and B, the district identifies any student (i) whose IEP or Section 504 plan was not fully implemented as required by 34 C.F.R. § 104.33 or (ii) whose evaluation was not conducted in a manner consistent with the requirements of 34 C.F.R. § 104.35(a) and (b), after providing proper written notice to each such student's parent/guardian, a group of knowledgeable

persons, including the parent/guardian if the parent/guardian wishes to participate, the district will determine whether each such student needs compensatory and/or remedial services as a result of the district's failure to provide appropriate regular and/or special education or related services from the start of school in July 2016 through October 7, 2016. If so, within one week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **June 14, 2020**. The district will provide each such student's parent/guardian notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

- E. Reporting Provision: Within two weeks of the decision as to whether compensatory and/or remedial services are needed, the district will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to each such student. OCR will, prior to approving the district's decision and plan for providing the proposed services, review the documentation to ensure that the district met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
  
- F. Reporting Provision: By **June 28, 2020**, the district will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

#### IV. General Provisions

- 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, 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 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 and/or the applicable statutes and regulations. Before initiating such proceedings, OCR shall give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Connie A. Newman  
Superintendent  
Iditarod School District

September 6, 2019  
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Date