

VOLUNTARY RESOLUTION AGREEMENT
Billings Public Schools
OCR Reference No. 10201061

Billings Public Schools (the District) voluntarily agrees to take the following actions to resolve Reference No. 10201061, 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. REMEDIAL PROVISIONS

A. Policies and Procedures for Enrollment of Non-Resident Students

1. The District will review and revise its policies and procedures regarding discretionary attendance of nonresident students seeking out-of-district enrollment (revised procedures) to ensure that students with disabilities are not treated differently from non-disabled students in considering whether they meet the established criteria for enrollment. Specifically, the revised procedures will ensure that:
 - a. The enrollment application describes the specific information that must be provided by the applicant for the District to make an enrollment determination.
 - b. Students with disabilities are not denied initial enrollment nor will their enrollment be revoked unless the District has made an individual determination that the disability-related needs of a particular student cannot be reasonably met by the District due to appropriate considerations of teacher and staff, resources, program availability, and/or other delineated factors.
 - c. Decisions regarding enrollment and/or revocation of enrollment for students with disabilities will consider all information necessary to make an individualized assessment of the student's disability-related needs, which may include convening a group of persons knowledgeable about the student and considering the student's disability evaluation data and the District's enrollment options.
 - d. Details regarding such enrollment decisions, including decisions to revoke enrollment, are documented and recorded as part of the District's nonresident enrollment record-keeping. This documentation must include, at a minimum, the names of all persons involved in making the enrollment decision and any information considered as part of the enrollment decision.

2. Reporting Provision: By May 1, 2022, the District will submit a draft of the revised procedures developed in accordance with Item A.1 to OCR for review and approval. If OCR requires revisions, the District will re-submit the revised procedures within 30 days of receiving notice of the revisions required by OCR. OCR and the District will follow the same process until OCR approves the District's revised procedures.
3. Within 45 days of receiving OCR's written approval of the revised procedures, the District will submit to OCR documentation verifying it has adopted and implemented them.

B. Staff Training

1. The District will conduct mandatory training on the revised procedures for all relevant employees who oversee and/or implement the nonresident enrollment process.
2. Reporting Provision: By September 1, 2022, the District will submit documentation verifying its compliance with Item B.1, including the names and position titles of all District employees who received the training and any District employees who oversee and/or implement the nonresident enrollment process, but did not receive the training.

C. Individual Student Remedy

1. The District will send a letter from the District's Superintendent to the parents of the student in this case stating that the District is revising its out-of-district enrollment procedures to ensure that students with disabilities are not treated differently from non-disabled students in considering whether they meet the established criteria for enrollment. The letter will also invite the parents and/or the student to reapply for nonresident enrollment if they so choose. The letter will inform the parents that the opportunity to re-apply does not guarantee that the application for nonresident enrollment will be approved, but that any decision will be made based upon consideration of teacher and staff, resources, program availability, and/or other factors that are applied to all students as part of the District's established procedures.

2. Reporting Provision: By February 15, 2022, the District will submit a draft of the letter to OCR for its review and approval. If OCR requires revisions to the draft letter, the District will re-submit the draft letter to OCR within 30 days of receiving notice of the revisions required by OCR. OCR and the District will follow the same process until OCR approves the letter.
3. Within 20 days of receiving OCR's written approval of the letter, the District will submit to OCR documentation verifying it has sent the letter to the student's parents.

II. 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. 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 completion of the obligations 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, including to enforce this agreement, OCR will give the District 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 District's representative.

Signed:

Date:

/s/

February 1, 2022

Mr. Greg Upham
Superintendent