

## **VOLUNTARY RESOLUTION AGREEMENT**

The Butte School District No. 1 (District) enters into this Voluntary Resolution Agreement (Agreement) to resolve the allegation in a complaint (OCR Reference No. 10221363) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35.

### **I. Action Steps**

- A. The District will send written notice to all District administrators, teachers, and staff that provides:
1. A statement that a concern was raised on behalf of a student at the District, who was on an IEP, that administrators and staff impermissibly excluded a student from participating in school field trips because of disability-related behaviors.
  2. Information that the Section 504 regulations, at 34 C.F.R. Subpart D, as well as District and school policies, procedures, and practices provide that School administrators, teachers, and staff have a continuing obligation to provide students with disabilities an equal opportunity to benefit from field trips and outings, which the students are eligible to participate in and which are afforded to nondisabled students, unless different or less opportunity to benefit from field trips is necessary to meet the students' individual educational needs as adequately as the needs of nondisabled students are met. Any decision to limit or deny field trips to disabled students due to behavior related to the student's disability shall be made consistent with the procedural requirements in the Section 504 regulations referenced above.
- B. The District will provide training to all administrators, teachers, and staff at XXXXXXXX, concerning the Section 504 regulation requirements to provide a free appropriate public education (FAPE) in academic and non-academic settings, including field trips. The training shall include Section 504's requirement to provide non-academic and extracurricular services and activities in such manner as is necessary to afford disabled students an equal opportunity for participation in such services and activities. The training will also include information that any decision to limit or deny a field trip to a student with a disability due to behavior that is related to the student's disability, will be made consistent with the requirements in the Section 504 regulations, at 34 C.F.R. Subpart D.

- C. The District will ensure that, as long as the Student<sup>1</sup> is enrolled in the District, the District will provide the Student an equal opportunity to benefit from field trips and outings, which the Student is eligible to participate in and which are afforded to other students, unless different or less opportunity to benefit from field trips is necessary to meet the Student's individual educational needs as adequately as the needs of nondisabled students are met and is taken in accordance with the Section 504 procedures found in 34 C.F.R. Subpart D.
- D. The District will develop a process to determine whether the Student's participation in each field trip and outing offered to other students is appropriate in accordance with 34 C.F.R. Subpart D. The process will include steps to inform the Student's parents of each upcoming field trip or outing opportunity, and the District's decision regarding whether the Student's participation is appropriate. If the District determines that the Student's participation is not appropriate, the District will provide the Student's parents with an opportunity to convene an IEP meeting. At the request of the Student's parents, the IEP team will meet and consider whether the student should be invited to attend each field trip that the Student has not been invited to attend. If the IEP team determines that the Student's participation would not be been appropriate, the team must document the reasons for the determination and provide the Student's parents with notice of their rights to challenge the determination through the District's grievance procedures.

## **II. Reporting Requirements**

- A. By **April 1, 2023**, the District shall submit to OCR, for its review and approval, a draft copy of the notice that it developed pursuant to Section I.A, above. If OCR requires any changes, the District will resubmit the report within 20 days of receiving notice of the required changes. OCR and the District will continue this process until OCR approves the written notice.
- B. Within 45 days of receiving OCR's approval of the written notice consistent with Section II.A, above, the District will provide to OCR documentation verifying the District has issued the written notice to District administrators, teachers, and staff.
- C. By **April 1, 2023**, the District shall submit to OCR, for its review and approval, a

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<sup>1</sup> In this agreement, "the Student" refers to the student who was the subject of this complaint.

draft copy of the training to be given in accordance with Section I.B, above. The documentation will include an agenda, the name and qualifications of the proposed trainer, and a copy of all training handouts or information to be shared with the participants. If OCR requires any changes, the District will resubmit them within 20 days of receiving notice of the required changes. OCR and the District will continue this process until OCR approves the report.

- D. Within 60 days of receiving OCR's written approval of the training pursuant to Section II.C, above, the District shall provide to OCR documentation verifying the District has conducted the training. The documentation shall include the names and positions of the District employees who participated in the training session.
- E. By **April 1, 2023**, the District shall submit to OCR, for its review and approval, a written report of the process developed in accordance with Section I.D, above. If OCR requires any changes, the District will resubmit the report within 20 days of receiving notice of the required changes. OCR and the District will continue this process until OCR approves the report.

### **III. General Provisions:**

- A. By signing the resolution agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. During the monitoring of the resolution 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 the resolution agreement.
- B. The District understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and the statute and regulations at issue in the case.
- C. The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 days to cure the alleged breach.

Signed:

/s/

March 8, 2023

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Judy Jonart

Date

Superintendent

Butte School District No. 1