

VOLUNTARY RESOLUTION AGREEMENT

Bonneville Joint School District 93 enters into this Voluntary Resolution Agreement (agreement) to resolve the allegations in the complaint (Reference No. 10231109) 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, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation, at 28 C.F.R. Part 35.

I. RESOLUTION PROVISIONS

A. Different Treatment

1. The District will immediately terminate the practice of tasking all students in self-contained special education programs at XXXXXXXXX with performing cleaning and laundry tasks for the school, including washing and folding rags, wiping down door handles, and wiping off tables in the cafeteria, unless these tasks are shared equally by students at the school.
2. The District will not require students in self-contained special education classrooms at XXXXXX School to conduct daily dental or other personal hygiene tasks, that are not required of other students, unless the tasks are specifically required in a student's Section 504, Individualized Education Program (IEP), or other educational or behavioral plan that was developed consistent with the requirements of Section 504 or the Individuals with Disabilities Education Act (IDEA).
3. The district will notify parents of students in the self-contained classrooms at XXXXXX during the 2022-2023 of the information outlined in Section I.A.1 and I.A.2.
4. Reporting Requirement – By June 15, 2023, the District will submit verification in writing to OCR that Section I.A.1 - I.A.3 have been implemented and provide a copy of the notification to parents.

B. Notice to Employees

1. The District will provide written notice to all XXXXXX administrators, teachers, and special education employees, and the District's Special Education Office employees, concerning the District's obligations: (1) not to discriminate on the basis of disability under Section 504 and Title II; and (2) to educate all students with disabilities in the regular educational environment to the maximum extent appropriate to the needs of each student as consistent with 34 C.F.R. § 104.34(a). The notice will also state that students in self-contained special education classrooms at XXXXXXXXX are not

to perform cleaning or laundry tasks for the school. The notice will also state that the students will not be asked to conduct personal hygiene tasks, that are not required of other students, unless the tasks are specifically required in a student's Section 504, IEP, or other educational or behavioral plan that was developed consistent with the requirements of Section 504 or the IDEA.

2. Reporting Requirement – By June 30, 2023, the District will submit to OCR for review and approval the notice.
3. Reporting Requirement - By September 30, 2023, the District will provide OCR with documentation verifying that the District has distributed the notice in compliance with Section I.B.1.

C. Training for Employees

1. The District will provide live training to all XXXXX administrators, teachers, and special education employees. The training will be conducted by someone who is qualified and has expertise in Section 504 and Title II. The training will include:
 - a. A review of the prohibition against different treatment of students with disabilities, unless the different treatment is specifically related to requirements in a Section 504 Plan or IEP, or other educational or behavioral plan that was developed consistent with the requirements in Section 504 or the IDEA.
 - b. A review of the District's obligation to provide all regular and special education and related aids and services to each student with a disability necessary to provide a student with a free appropriate public education.
 - c. A review of the District's obligation to educate all students with disabilities in the regular educational environment to the maximum extent appropriate to the needs of each student as consistent with 34 C.F.R. § 104.34(a).
 - d. Examples of different treatment on the basis of disability and examples of the failure to educate a student with a disability in a least restrictive environment.

2. Reporting Requirement - By July 31, 2023, the District will submit to OCR for review and approval a training plan, including handouts and the name and qualifications of the trainer(s).
3. Reporting Requirement - Within 90 days of receiving OCR's written approval of the training plan, the District will provide OCR documentation verifying that the District has conducted the training(s). The documentation will include the time(s) and date(s) of the training, all lessons plans, handouts, or presentation slides used during the training(s), and a list, by name and position title, of persons who attended the training, and the name of the trainer(s).

D. Remedy for Students

1. The District will convene an IEP team meeting for each student in the self-contained classrooms at XXXXXXX. The IEP teams will review the IEPs of the students to assess, for the 2021-2022 and 2022-2023 school years: (1) whether the requirement to perform janitorial duties and dental hygiene tasks impacted the student's ability to receive special education and related aids and services; and (2) whether each student is being educated in the regular educational environment to the maximum extent appropriate consistent with the placement in the student's IEP. For any student the District determines did not receive a FAPE or was not educated in the regular educational environment to the maximum extent appropriate consistent with the placement in the student's IEP, the IEP team will determine whether the student needs compensatory services. If so, the IEP team will develop and implement a plan for providing timely compensatory services to the student. The District will provide the student's parent and/or legal guardian with 14 days' notice of the IEP meeting and an opportunity to participate.
2. Reporting Requirement – By June 1, 2024, the District will submit to OCR for review and approval, the IEP team's assessment, and determinations for each student. The documentation will include the list of participants in the meeting and information supporting the group's decision for each student. The documentation will also include an explanation for the decisions made, the information considered, and the plan(s) for providing compensatory services (if any).
3. Reporting Requirement - Within 120 days of receiving OCR's written approval of the assessment(s) and plan(s) for compensatory education, the District will submit to OCR documentation verifying

the District has provided compensatory education to all applicable students in compliance with Section I.D.1.

II. GENERAL MONITORING PRINCIPLES

- 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(s) and regulation(s) 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/

June 24, 2023

Dr. Scott Woolstenhulme
Superintendent
Bonnevill Joint School District 93

Date