

Resolution Agreement
Triton Regional School District
Complaint No. 01-13-1248
Student: XXXX XXXXX

To resolve the allegations in OCR Complaint No. 01-13-1248, filed with the U.S. Department of Education , Office for Civil Rights (OCR) alleging disability discrimination under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504), as well as Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II) the Triton Regional School District (District) agrees to the terms below.

The District agrees to the following actions:

1. **Within 30 days** of this agreement, the District will reimburse the Complainants for the cost of a family trip they took to XXXXXXXX XXXX Park in lieu of a school field trip from which the Student was excluded from participating.

2. The District will review its regulations and procedures regarding the inclusion of students with disabilities on field trips. This review will include consideration of whether the District has an appropriate process for determining whether a student with disabilities will participate in field trips. The District's process should require individualized determination of:
 - each student's disability;
 - any Individualized Education Program (IEP) provisions related to field trips, and the student's ability to go on the field trip;
 - the purpose of the trip (whether academic or non-academic); and,
 - any needed accommodations or related aids and services that will allow the student to participate in the field trip.
 - Any such decisions should be made by persons knowledgeable about the student, the purpose of the field trip, the student's disability and appropriate accommodations or aids/services that will provide equal access to the field trip. The District's regulation should also provide for the notification of parents and/or guardians so that they can participate in the decision about whether the student with the disability will go on the field trip, and what if any accommodations/modifications, related aids or services will provide the student with the disability with equal access to the field trip.

3. **By January 31, 2014**, the District agrees to train all District staff who have responsibility for approving field visits (trips) on the rights of students with

disabilities to have equal access to extracurricular activities, including field visits. The relevant staff will receive training that covers the that covers the following topics:

- a. Section 504/Title II and disabilities under the law;
 - b. Section 504's requirement to provide equal access to extracurricular activities for students with disabilities, including equal access to field trips, and the accommodations that may be required for equal access to such activities;
 - c. The identification of the District's Section 504 Coordinator;
 - d. The grievance process available to students, staff or parents regarding complaints of discrimination under Section 504/Title II and the District's obligation to investigate and resolve any such complaints.
4. On future field trips, the District will provide the Complainants with notice of the trips and will ensure that an individual determination is made regarding the Student's equal access to the trip and any accommodations, related aids and services that will make it possible for him to participate.

By February 7, 2014, the District will submit information to OCR demonstrating that it has reviewed its inclusion regulation/procedure for field trips, and revised those regulations /procedures as appropriate. The District will submit the regulations to OCR for review.

The District will also provide information demonstrating District-wide training on the issue of Section 504 and students with disabilities' access to extracurricular activities, including field trips. A sign in sheet for an in-service day, including such training, and a training outline will suffice.

The District will also submit information demonstrating the Canobie Lake field trip reimbursement to the family.

The District is signing this Agreement voluntarily and does not admit a violation of either Section 504 or Title II. Upon entering into this Agreement, the District agrees that this matter is resolved.

OCR will monitor the implementation of the above terms through the District's submission of the requested documents. The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation

implementing Section 504, and Title which were issues in this case. The District understands that by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this 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 and is in compliance with the regulation implementing of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Section 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II). The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Mr. Christopher Farmer
Superintendent of Schools

Date