

RESOLUTION AGREEMENT
Dorchester Two School District
OCR Case No. 11-16-1400

Dorchester Two School District (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1400. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990, or any other law enforced by OCR.

1. By January 15, 2017, the District will convene a Section 504 team meeting for the purpose of determining whether the District's alleged failure to fully implement the following two provisions of the Student's Section 504 Plan resulted in a denial of FAPE to the Student. The Section 504 team will first review whether, between December 6, 2015 and June 15, 2016, District staff denied the Student FAPE by not ensuring that "[a]ssignments [be] written in sufficient detail for [the Student] to copy in his agenda – initialed daily by teachers and parents. The Section 504 team will then review whether, on March 4, 2016, District staff denied the Student FAPE by failing to have "[t]eacher proximity to [the Student] when he becomes too fidgety or displays anxious behaviors."

In making its determination, the team must review and carefully consider all relevant data and document its process and determination, ensuring that the determination conforms with Section 504's requirements of 34 C.F.R. § 104.35(c) to draw information from a variety of sources; have the decision made by a group of people knowledgeable about the Student, the evaluation data, and the placement options; and ensure that the information is documented and carefully considered. The team will also give the Complainant the opportunity to provide them with any documentation relevant to the review, including but not limited to a copy of all written agendas for the dates at issue.

If it is determined that the alleged failure to consistently implement the Student Section 504 Plan resulted in a denial of FAPE, the team must also develop a plan for providing compensatory and/or remedial services to the Student for the time period the Student did not receive appropriate regular and/or special education or related services. The group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond June 1, 2017. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. By January 22, 2017, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District met the procedural and

other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.

- b. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
 - c. By June 2, 2017, 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).
2. By January 15, 2017, the District will provide training to all School administrators and instructional staff on the requirements of Section 504 and Title II. The training will emphasize the District's obligations under Section 504 to fully implement all special education and/or related aids and services.

Reporting Requirements:

- a. By December 15, 2016, the District will provide OCR with the title and qualifications of the trainer, copies of the agenda, and any training materials for OCR's review and approval to ensure that the proposed training satisfies the requirements of Action Item 2.
- b. By January 22, 2017, the District will provide OCR with documentation confirming completion of the required training, including: (a) the date of each training session(s); and (b) a sign-in sheet including a list of the names, signatures, and titles of the District personnel who participated in each training session.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this complaint.

The District understands that by signing this Agreement, it agrees to provide 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 and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this complaint.

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.

By: _____/S/_____ Date: _____11/22/16_____

Superintendent or Designee
Dorchester Two School District