

OCR Complaint No. 01-13-1227
Taunton Public Schools
Draft Voluntary Resolution Agreement

The U.S. Department of Education's Office for Civil Rights (OCR) opened the above-referenced complaint for investigation because the allegations fell within OCR's jurisdiction under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II). Before OCR completed its investigation, the Taunton Public Schools (District) voluntarily agreed to take the following steps to resolve this complaint. This Agreement does not constitute an admission by the District of any violation of Section 504 or Title II.

I. District-wide Remedies

- A. By May 1, 2014, the District will submit for OCR approval procedures for the evaluation and placement of students who need or are believed to need special education or related services pursuant to Section 504 and Title II. The procedures will ensure that:
1. Any student who may need regular or special education or related aids and services because of a disability is evaluated before taking any action with respect to the student's initial placement and before any subsequent significant change in placement;
 2. If a Section 504 evaluation is determined to be called for, a team meeting is held to determine what evaluation shall be undertaken.
 3. The District is ultimately responsible for collecting evaluative data concerning a suspected disability, including collecting additional evaluative material when a doctor's note is provided for a diagnosis;
 4. Tests and other evaluation materials are administered by trained personnel and are reliable and are valid for the purpose for which they are being used;
 5. In making eligibility decisions, the team determines whether the student has a mental or physical impairment that substantially limits one or more major life activities;
 6. Placement decisions are made by a group of persons knowledgeable about the student, the evaluation data, and the placement options;
 7. Placement decisions are based on information from a variety of sources, with information from all sources being carefully considered and documented;
 8. Placements and service offers are designed to meet the individual educational needs of the student, which might include the provision of regular or special education and related aids and services, home tutoring, etc.;
 9. If home tutoring is necessary for a student with a disability, that the team meets to discuss the provision of appropriate services and the overall monitoring of the tutoring;
 10. If a student is referred for any aid, benefit or service not operated or provided by the District as its means of carrying out the requirements of Section 504, transportation will be provided at no greater cost than would be incurred at a placement operated by the District.
 11. Students, at a minimum, are periodically reevaluated, including being reevaluated in a timely manner prior to any significant change of placement, such as a pattern of exclusions over 10 days;
 12. Timeframes are clearly articulated for the major steps in the placement and evaluation of a student; and
 13. At each decision point regarding identification, evaluation and placement of a student, parents and/or guardians are given notice of their procedural safeguards.

- B. By May 1, 2014, the District will submit for OCR approval, a copy of its revised notice of procedural safeguards for students who may be eligible for services and/or are on Section 504 plans. Such procedural safeguards shall be provided to parents when any decisions are made concerning the identification, evaluation, or placement of such students.
- C. Within 60 days of OCR's approval of the District's Section 504/Title II procedures under paragraph A and procedural safeguards notice under paragraph B, the District shall distribute and conduct training on the procedures/notice for District administrators and staff involved in teaching and/or providing services to students eligible under Section 504. The District will provide OCR documentation of the training – including the training materials and scope, a list of the staff participating in the training, and identification of the trainer – within 30-days of the completion of the training.

II. Individual Remedy

- A. By February 1, 2014, the District will reimburse the Complainant \$400 for courses taken by the Student during summer 2013, and provide OCR with documentation of the reimbursement.

III. Monitoring

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

For Taunton Public Schools

Superintendent

Date