

OCR Complaint No. 01-14-1022
Providence Public Schools
Draft Resolution Agreement

The Providence Public Schools (District) agrees to take the following actions to resolve the above-referenced complaint as investigated by the U.S. Department of Education's Office for Civil Rights (OCR). OCR investigated this complaint pursuant to its jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulations found at 28 C.F.R. Part 35 (Title II).

I. District Actions

- A. By June 1, 2014 , the District will develop and submit for OCR's approval a protocol for providing education and services to students with disabilities who attend a receiving school for grades 7-12. At a minimum, the protocol will include the following:
1. The protocol will clearly articulate that the District has the ultimate responsibility to ensure students are provided with a free appropriate public education (FAPE) and are free from discrimination.
 2. The protocol will outline the District Section 504 Coordinator's role in ensuring a FAPE to high school aged students and in related placement team meetings, and any monitoring that School Based 504 Coordinators must do of their high school aged students with disabilities.
- B. By June 1, 2014 , the District will develop and submit for OCR's approval procedures for the identification, evaluation and placement of students who need or are believed to need accommodations and related services pursuant to Section 504 and Title II. The procedures shall also specify that in the event a team of professionals determines that special education services under IDEA are not required, said team and/or the parent may still be referred / considered for accommodations and services pursuant to Section 504. The procedures will ensure that:
1. Students with disabilities requiring a 504 plan are provided FAPE as required by law and regulation.
 2. That all evaluation requests are processed in a timely and appropriate manner and, when deemed necessary, conducted by certified and/or trained individuals.
 3. That notices regarding meetings and team decisions are clearly communicated to parents / students.
 4. That timelines, procedural safeguards, due process and appeal rights are in place and are all clearly communicated to parents / students, and that new staff and new 504 Coordinators are trained whenever turnover occurs. To accomplish this, the District will provide new staff and new 504 coordinators with a copy of the approved policies and procedures and have them sign off to indicate receipt and review. The District will also provide a presentation on these policies and procedures to all staff at the start of each school year during professional development time. Communication with parents / students will be accomplished by sending a flyer home with each child advising them and their family that the District's policies and procedures are on the website.
- C. By June 1, 2014 , the District will develop and submit to OCR its process for affording parents/guardians the right to an impartial due process hearing on issues related to the

identification, evaluation, and placement of students with disabilities. The District will also revise, if necessary, its notice of procedural safeguards to explain to parents/guardians how to pursue a hearing.

- D. No later than September 15, 2014, the District will provide OCR with documentation that it has provided notice of these procedures in A-C to all staff and parents of students with Section 504 plans, in print and online.
- E. By October 15, 2014, the District will provide training to a Section 504 Coordinator and an alternate at each school or site on Section 504/Title II and District's Section 504 policies. The District will provide OCR with the materials to be provided at the training and the identification of trainer(s) for OCR's review and approval two weeks prior to the training. The trainer must be independent of the school district. The School District may also request that OCR conduct the training. Within one week following the training, the District will provide OCR with confirmation that the training took place.

II. Monitoring

The District understands that OCR will not close the monitoring of this agreement for a period of one year or 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, whichever comes first.

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 the Providence Public Schools:

Superintendent

Date