

Resolution Agreement
Worcester Public Schools
OCR Case No. 01-14-1238
Student: XXXX XXXXXXXX

In order to resolve OCR Case No. 01-14-1238, the Worcester Public Schools (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR) that pursuant to the applicable requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R Part 35 (Title II), and the ADA Amendments Act of 2008 (ADAAA), it will take the actions listed below.

Action Item 1:

By September 30, 2016, after providing written notice to the Student's parent(s), the District will ensure that it convenes a meeting of a group of persons knowledgeable about the Student, including the Student's parent(s) (the Team), to determine whether the Student requires compensatory and/or remedial services, for the period from May 2013 through September 2014, in addition to the 2014-2015 school year and 2015-2016 school year through January 21, 2016, for any missed services with respect to speech and language therapy, at-home Applied Behavior Analyst (ABA), and ABA supervisor/speech and language therapy consultation services, as provided for in his Individualized Education Programs (IEPs) in effect during the specified periods.

If compensatory and/or remedial services are necessary, the Team will determine whether any missed services impacted the Student's conduct during the incident on May 27, 2014; if so, the District will revise its determination of June 2, 2014 accordingly, and determine any necessary remedial services for the Student.

Reporting Requirements:

- (a) By October 15, 2016, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting referred to in Action Item 1, including: (i) an explanation for the decisions and schedule for providing compensatory and/or remedial services to the Student, if determined necessary; and (ii) an explanation for the decision regarding the impact of any missed services on the Student's conduct, with accompanying documentation demonstrating any revisions to the June 2, 2014 determination and, if applicable, a schedule for providing remedial services to the Student. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
- (b) By June 30, 2017, the District will provide documentation to OCR demonstrating that the Student has been provided with any compensatory and/or remedial services, if deemed necessary. The documentation will include the dates, times, and locations that services were provided, and the name(s) of the service provider(s).

Action Item 2:

The District will provide training to District staff involved in the development and implementation of IEPs, including the District’s special education directors and IEP Team chairpersons. The training will include, but not be limited to, the District’s obligations regarding: (a) obtaining from parents/guardians consent to conduct timely re-evaluations; (b) re-convening the Team in the event of the District’s inability to provide services pursuant to an IEP; and (c) re-convening the Team to consider any significant changes in placement, including changes to “push-in” versus “pull-out” services, and any necessary revisions to IEPs.

Reporting Requirement: By October 30, 2016, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 3 above, including (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

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 to 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, at 34 C.F.R. §§ 104.4, 104.33, and 104.35, and the regulation implementing Title II, at 28 C.F.R. §§ 35.130, which were at issue in this case.

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, at 34 C.F.R. §§ 104.4, 104.33, and 104.35, , and the regulation implementing Title II, at 28 C.F.R. §§ 35.130, which were at issue in this case. 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: _____
Maureen Binienda
Superintendent, Worcester Public Schools

Date