

302 Resolution Agreement
Marblehead Public Schools
OCR Case Number 01-14-1269

Marblehead Public Schools (District) agrees to resolve this complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) alleging disability discrimination. The District submits this agreement to ensure its compliance with 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 regulation at 28 C.F.R. Part 35 (Title II). By doing so, the District does not admit fault or noncompliance with Section 504 or Title II. The District understands that OCR will not issue findings with regard to the allegations set forth in OCR Case Number 01-14-1269, except in the event that the District fails to comply with this Agreement.

The District agrees to the following:

1. By **April 1, 2015**, the District shall demonstrate to OCR that it has reviewed and, as appropriate, revised its process for assigning students to busses for the prom. The revisions will include consideration of whether students with disabilities participate with students without disabilities in the transportation to, and attendance of, the prom, to the maximum extent appropriate to the needs of each student with a disability, consistent with the requirements of 34 C.F.R. Section 104.34(b) and 28 C.F.R. § 35.130(a).
2. By **April 1, 2015**, the District shall provide training to its District and Building 504 Coordinators regarding implementation of the District's "Discrimination And Harassment Grievance Procedures (Grievance Procedures)". The training will emphasize that, in order to provide an equitable response to a complaint of possible disability discrimination, investigators must provide an opportunity for complainants to provide evidence and/or witnesses, before a determination can be made of whether discrimination occurred. The training will further review the requirements 34 C.F.R. Sections 104.34(b), 104.37(b) and 28 C.F.R. § 35.130(a) pertaining to ensuring equal access and participation of students with disabilities in extracurricular services and activities, including transportation.

Reporting Requirement: By **June 1, 2015**, the District shall provide OCR with a description of the training provided (e.g., training agenda, identification of presenters, materials provided, and the like), as well as a copy of attendance sheets signed by relevant staff (including titles).

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 Section 504, at 34 C.F.R. Sections 104.34(b) and 104.7(b), and the regulation implementing Title II, at 28 C.F.R. Section 35.130 and 35.107(b), 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 regulation implementing Section 504 at 34 C.F.R. Section 104.33 et seq. and the regulation implementing Title II, at 28 C.F.R. Section 35.1.30.

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.

XX/ signed
Robert Bellucci, Esq.
Director of Student Services
Marblehead Public Schools

2/20/2015
Date