

RESOLUTION AGREEMENT
Westport Public Schools
OCR Complaint No. 01-15-1103

Westport Public Schools (District) voluntarily enters into this agreement to resolve the allegations in the above-referenced complaint. The District assures the U. S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions. Nothing herein constitutes any admission or acknowledgement by the District of any wrongdoing or that it committed any violation of any law or policy, or that any of the allegations in the above referenced Complaint are accurate. The execution of this Agreement does not constitute an admission of any liability of any kind. The District is entering into this Agreement in order to obtain a resolution of this matter.

ACTION ITEM 1: FORMS, POLICIES, AND PROCEDURES

- A. The District will revise its policies, procedures and forms for the identification, evaluation and placement of students under Section 504/Title II to be consistent with the obligations of Section 504 and Title II and their implementing regulations (Revised Policies and Procedures). The District agrees that the Revised Policies and Procedures will replace the District's current policies, procedures and forms regarding identification, evaluation, placement and due process.

Reporting Requirements

1. By **April 20, 2018**, the District will provide the Revised Policies and Procedures for OCR's review and approval.
2. **Within 30 days** of OCR's approval of the Revised Policies and Procedures, the District will disseminate a memorandum to District staff who are involved in the identification, evaluation and placement of students according to Section 504/Title II, to apprise such staff of policy changes regarding identification, evaluation, placement and due process. **Within 30 school days** of issuing this memorandum, the District shall provide to OCR a copy of that memorandum, as well as evidence of its dissemination, such as the distribution list or email by which it was sent.
3. **Within 40 days** of OCR's approval of the Revised Policies and Procedures, the District will publish these documents on its website or other usual means of distribution. **Within 30 school days** of that action, the District will provide OCR

with evidence of its publication of the Revised Policies and Procedures by providing OCR with the URL and/or other evidence of distribution.

- B. The District will also revise its notices of nondiscrimination, designation of coordinators, and grievance procedures to be consistent with Section 504 and Title II and their implementing regulations (Revised Notice, Designation and Grievance Procedures). The District agrees that the Revised Notice, Designation and Grievance Procedures will replace the current versions of these documents.

Reporting Requirements:

1. By **April 20, 2018**, the District will provide the Revised Notice, Designation and Grievance Procedures for OCR's review and approval.
2. **Within 30 days** of OCR's approval of the Revised Notice, Designation and Grievance Procedures, the District will notify all District staff of these changes and provide them with these revised procedures. **Within 30 school days** of this notification, the District shall provide to OCR a copy of that notification, as well as evidence of its dissemination, such as the distribution list or email by which it was sent.
3. **Within 40 days** of OCR's approval of the Revised Notice, Designation and Grievance Procedures, the District will publish these documents on its website or other usual means of distribution. **Within 30 school days** of that action, the District will provide OCR with evidence of its publication of the Revised Notice, Designation and Grievance Procedures by providing OCR with the URL and/or other evidence of distribution.

ACTION ITEM 2: TRAINING

The District will provide training for the District's Director of Pupil Services and all 504/Title II coordinators and/or all school-based administrators who conduct 504 meetings (along with the principals for each school in the District), all guidance counselors and all school psychologists, regarding the District's obligations under Section 504 and Title II to provide a free appropriate public education (FAPE) to qualified students with disabilities. The training will include, at a minimum:

- A. Evaluation requirements according to 34 C.F.R. Sections 104.35(b) and (c);
- B. Eligibility criteria under Section 504 and Title II, including the updates of the Amendments Act of 2008, including but not limited to:
 - The expanded definitions of physical or mental impairment, consistent with 28 C.F.R. Section 35.108;
 - The expanded definitions of major life activities, consistent with 28 C.F.R. Section 35.108;

- The revised definition and considerations for “substantially limits,” consistent with 28 C.F.R. Section 35.108, including that evaluation teams must (1) consider students in their unmitigated state, without regard to the ameliorative effects of mitigating measures and (2) that “substantially limits does not mean unable to perform, nor severely restricted in performing;”
- That teams must consider all information provided to the team, including information relating to how an alleged disability impacts the time, manner or duration of a student’s performance of any major life activity, including information derived from outside of school; and,
- That a diagnosis is not required for a student to be evaluated under Section 504/Title II.

Reporting Requirements:

1. The training will be conducted by an individual with expertise in Section 504 and Title II, whose credentials will be provided to OCR for approval **at least 15 school days prior** to the training.
2. All training materials must be submitted to OCR for review and approval **at least 15 school days prior** to the training.
3. **The training will occur no later than April 13, 2018.**
4. The District will provide OCR with evidence of having conducted this training, and of participant attendance (such as staff sign-in sheets, including staff titles), **within 30 school days** of conducting the training.

ACTION ITEM 3: OUTREACH

The District will issue a notification memorandum, email, or other correspondence (Notification) to all District parents/guardians specifically explaining that the District has adopted new 504/Title II policies, procedures and forms (Materials) relating to the identification, evaluation, placement and procedural obligations for students who have, or who are believed to have, disabilities under Section 504/Title II. The Notification will explain how to find the Materials, including any web address; will direct any questions about the Materials to the District’s 504/Title II Coordinator(s); and will include the Coordinator’s contact information, including his/her email address.

Reporting Requirements:

1. By **May 1, 2018**, the District will provide a draft of the Notification for OCR’s review and approval.
2. **Within 10 school days** of OCR’s approval of the Notification, the District will disseminate it to all District parents/guardians. **Within 30 school days** of issuing the Notification (or by **July 1, 2018** if the 2017-2018 school year has ended before then),

the District shall provide to OCR a copy of the materials it disseminated, as well as evidence of its dissemination, such as the distribution list or email by which it was sent.

ACTION ITEM 4: FAPE

The District will ensure that it appropriately identifies and evaluates students in accordance with the FAPE requirements of Section 504 and Title II.

Reporting Requirements:

1. By **December 31, 2018**, the District will provide to OCR a copy of the team minutes from each 504 meeting to determine eligibility, and a copy of any resulting Section 504 plan (as applicable), for all students at Bedford Middle School (“the School”) who are referred by a parent, provider or District staff for consideration of Section 504 eligibility during the 2018-2019 school year. The District will also provide minutes from 504 meetings about students for whom a 504 team meeting is convened, but the 504 team determined there was not sufficient information to suspect a disability.
2. By **July 1, 2019**, the District will provide to OCR a copy of the team minutes from each evaluation, and a copy of any resulting Section 504 plan (as applicable), for all students at the School who are referred by a parent, provider or District staff for consideration of Section 504 eligibility during the remainder of the 2018-2019 school year. . The District will also provide minutes from 504 meetings about students for whom a 504 team meeting is convened, but the 504 team determined there was not sufficient information to suspect a disability.

ACTION ITEM 5: REEVALUATION OF THE STUDENT

If the District receives notice that the Student intends to return to the District during the 2017-2018 or 2018-2019 academic years, the District will promptly convene a team of persons knowledgeable about the Student to determine, using appropriate standards, if he is a qualified individual with a disability in need of special education and/or related aids and services in order for the Student to receive a FAPE, and develop and implement a Section 504 plan or Individualized Education Program (IEP) to address the Student’s individual educational needs.

Reporting Requirement:

1. The District will notify OCR if the Student returns to the District, **within 10 school days** of his return.
2. By **July 1, 2019**, the District will provide documentation of any such meeting, including the minutes of the meeting, copies of Section 504 plans or IEPs; and evaluation tests, assessments and/or all other materials considered by the team.

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, 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 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case.

The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the regulations implementing Section 504 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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's written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

By: _____ Date: _____
Colleen Palmer, Superintendent