

Resolution Agreement  
Maynard Public Schools  
Complaint No. 01-15-1157

Maynard Public Schools (District) voluntarily agrees to take the following steps to resolve the above-referenced complaint, consistent with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

**I. Student Specific Remedies**

- 1) By **December 10, 2015**, the District will convene a Team of persons knowledgeable about the Student, the meaning of his evaluation data, and the placement options, and invite the parents to participate to determine the impact on the Student, XX XXXXX XX XXX XXXX XXX XXXXXXXX, of missing certain 504 accommodations during the 2014-2015 school year, and what compensatory supports and/or services would be appropriate to address that impact.
  - a. In determining the impact on the Student, the Team will consider a broad range of information beyond the Student's academic progress in school, including: (i) whether the Student's disabilities significantly impact major life activities other than learning, such as concentration, behavior and social interactions; (ii) whether there was a lack of regular communication from the Teacher and other providers to the Student's parents about incidents XXXX XXX XXXXXXXX XXXXXXXXXXXXXXXX XX XXXXXXXXXXXXXXXXXXXXXXXX, and if so, whether that lack of communication impacted his ability to access his education; (iii) the fact that the Student's non-general-education teachers were unaware of his 504 plan during the majority of the 2014-2015 school year; and (iv) whether there was a lack of XXXXX XXXXX XXX XXXXXXXX XXXXXXXX XXXXXXXX, and if so, how it affected the Student. The Team will also consider information obtained by the Director of Student Services in responding to an email from the Student's parents XXXXX XXX XX XXXX.
  - b. The Team will consider modifications to the Student's Section 504 plan to clarify the manner in which any services or supports (e.g., XXXXXXXX XXXXXXXXXXXXXXXX) will be implemented, including but not limited to specifying the frequency, method, and District staff responsible.
  - c. If the Team determines that compensatory supports and/or services are appropriate, the Team will consider a broad range of services, such as counseling, behavioral assistance, and/or tutoring. If the Team determines that tutoring is appropriate, the content of the subject matter, the number of hours, and the schedule on which the tutoring is made available, will be based on the individual needs of the Student. The District will ensure that any tutors used are qualified in the areas they will be tutoring. The Team will establish clear guidelines on how work and feedback will be provided between teachers, tutors, and the Student's parents.
  - d. The Team's decisions on the above will be memorialized in writing to include any of the regular or special education and/or related aids and services the Team determines are needed to address any failure to provide the Student a FAPE during the 2014-2015 school year. The documentation of the meeting will also specify how the supports and/or services will be provided, by whom, and who is ultimately responsible for ensuring that all components of the plan are implemented. The District will provide the Student's parents with a copy of the plan and procedural safeguards within two calendar weeks of the meeting.

- 2) Within 10 days of the above meeting, the District will provide OCR with documentation of the team meeting, such as with minutes, and, if applicable, documentation of the agreed-upon services. The District will further provide documentation that any such services were provided by no later than **February 1, 2016**.

## **II. Policies, Procedures, Training**

### *1) Policies/Procedures*

- a. By **February 1, 2016**, the District will submit for OCR's approval revised Section 504/Title II grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging disability-based discrimination, consistent with the requirements of 34 C.F.R. 104.7(b) and 28 C.F.R. Section 35.107(b).
- b. **Within 30 days** of OCR's approval, the grievance procedures will be published on the District website, as well as on each District School's website. Additionally, the District will notify parents in the District of the new procedures via email, handouts to students in class, or any other equally effective method of dissemination. The District will provide OCR with electronic and/or hard copy evidence of such dissemination **no later than 60 days** from when OCR approved the revised procedures.

### *2) Training*

- a. By **April 1, 2016**, the District agrees to provide training to staff on the District's obligations to students with disabilities under Section 504/Title II.
- b. Such training will be conducted either by OCR staff or by a trainer approved by OCR. If the latter, the District will provide to OCR, for review and approval, the name and credentials of the trainer, as well as the materials to be used, no later than 30 days *prior to* the date of training.
- c. Attendees will include District 504 Coordinator(s) and special education administrators, guidance counselors, the lead school nurse, principals and assistant Principals, as well as all of the Student's teachers from 2014-2015. The training will include:
  1. An overview of the District's obligations to students with disabilities under Section 504 and Title II, including the identification, evaluation and placement process, as well as the obligation to implement agreed-upon accommodations;
  2. The identification of the District's and building Section 504/Title II Coordinators; and
  3. The grievance process available to students, parents, staff and third parties regarding complaints of discrimination under Section 504/Title II and the District's obligation to investigate and resolve any such complaints.
- d. The District will provide to OCR copies of a sign-in sheet, with names and titles, as evidence that such training occurred, by no later than **April 15, 2016**.

- e. Following this training, and no later than **April 1, 2016**, either the lead school nurse or the Director of Student Services will deliver the training to the remaining school nurses.
- f. The District will provide to OCR copies of a sign-in sheet, with names and titles, as evidence that such training of all school nurses occurred, by no later than **April 15, 2016**.

### **III. Monitoring**

The District understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement 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 the regulation implementing Section 504 and Title II, which were at issue in this case.

The District also 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. Sections 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.

/s/

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Director of Student Services

Date