

Resolution Agreement
Lenox Public Schools
OCR Complaint No. 01-15-1235
Student: XXXXXXXX XXXXXXXX

In order to resolve OCR Case No. 01-15-1235, Lenox 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. By entering into this Agreement, the District does not admit to any wrongdoing under Section 504 or Title II; rather, it enters into this Agreement for the purpose of a speedy and efficient resolution of the Complaint.

ACTION ITEM I: POLICIES AND PROCEDURES

The District will revise its policies and procedures, including the Policy, as well any handbooks and forms used by staff and administrators for the identification, evaluation and placement of students to comply with the its obligations under Section 504 and Title II to provide a free appropriate public education (FAPE) to qualified students with disabilities, including, but not limited to:

- A. The appropriate criteria for determining whether a student is a qualified individual with a disability under Section 504 and Title II (including information from the ADAAA) is whether a student has a physical or mental impairment that substantially limits one or more major life activities, rather than the narrower question of whether the impairment limits the student's ability to access the regular education program;
- B. The District's obligation to evaluate any student who, because of disability, needs or is believed to need, special education or related aids services, and that this obligation is not limited to those students with a documented impairment, but could also arise from information suggesting an impairment, including, but not limited to, a change in academic performance, social engagement, increased absenteeism, or reports of behavior that is disruptive and/or leads to discipline;
- C. That all evaluation and placement decisions, including significant changes in placement, including, but not limited to, the elimination of regular or special education and related aids and services, must be made by a team of persons who are knowledgeable about the student, the evaluation data and the placement options (the team), as required by 34 C.F.R. §§ 104.35(b) and (c);
- D. That teams will consider, and document that they have considered, information from variety of sources, including information about a suspected disability, in determining a student's eligibility to receive special education or related services; and
- E. When making placement determinations for a student with a disability, the team must consider a continuum of placement options, as an appropriate education for such a student could consist of education in regular classes; regular classes with the use of supplementary

services; or special education and related services, which could include specially designed instruction in classrooms, at home, or in private or public institutions, and may be accompanied by such related services as developmental, corrective, and other supportive services (including psychological, counseling, and medical diagnostic service);

- F. The obligation of all staff to implement the regular or special education and related aids and services that a team determines necessary for a student with disabilities to receive a FAPE; and
- G. That the implementation of 504 plans will be monitored to ensure compliance, and that students will be reevaluated upon receipt of information including, but not limited to, information that: special education or related aids and services are not being used or are not effective; the student's academic performance or social engagement has changed; increased absenteeism; or, repeated reports of behavior that is disruptive and/or leads to discipline.

Reporting Requirements:

1. By March 11, 2016, the District will submit revised policies, procedures and forms to OCR for review and approval. OCR will complete its review of the District's revised policies, procedures and forms within 30 days of receiving the District's revised policies and procedures.
2. Within 30 days of OCR's approval, the District will provide documentation demonstrating that it:
 - a. Published the revised policies and procedures on its website;
 - b. Provided a copy of the new policies and procedures via email to all District teachers, administrators, guidance counselors and service providers, including professionals involved in evaluation; and
 - c. Provided notice of the new policies and procedures via email and/or direct mail, to parents/guardians of all High School students in the District.

ACTION ITEM II: TRAINING

By June 1, 2016, the District will provide training to its District's 504 Coordinator, all building 504 Coordinators, all Principals and Assistant Principals, all guidance counselors, and all adjustment counselors, regarding the District's obligations under Section 504 and Title II to provide a FAPE to qualified students with disabilities, and the District's revised policies and procedures, pursuant to Action Item I.

Reporting Requirements:

1. *At least 15 business days prior to the training*, the District will provide the training materials to OCR for review and approval. OCR will complete its review of the training materials within 5 business days of receipt.

2. By June 15, 2016, the District will provide OCR with documentation indicating the date of the training, the trainer's name and credentials, a sign-in sheet with attendees' names and titles printed, and all training materials disseminated.

ACTION ITEM III: COMPENSATORY ACTIONS

By March 15, 2016, the District will offer to provide 10 hours of 1:1 XXXX tutoring for the Student at a mutually convenient time and location, and reimbursement for XXXXXXXXXXXXXXXXXXXXXXXX which the Student has already received.

- a. The District will allow the Complainant 30 days to accept its offers of tutoring which she may do by notifying the building 504 Coordinator via email or letter. If the Complainant accepts, the District will commence tutoring within 10 days of receiving the Complainant's acceptance, with all tutoring to be completed by June 1, 2016. If the Complainant does not provide notice of acceptance of tutoring prior to June 1, 2016, the District's obligations under this provision will be deemed to have been met by sending the offer.
- b. The District will allow the Complainant 30 business days to accept its offer of reimbursement for XXXXXXXXXXXXXXXXXXXXXXXX, which she may do by providing proof of payment (such as cancelled checks) for those XXXXXXXXXXXX sessions to The District will make every effort to reimburse the Complainant within 30 days of receipt of proof of payment. If the Complainant does not provide proof of payment within 30 days of the District's offer to reimburse, the District's obligations under this provision will be deemed to have been met by sending the offer.

Reporting Requirements:

1. By March 30, 2016, the District will provide OCR with a certified mailed copy of its offer to the Complainant of XXXX tutoring and XXXXXXXXXXXX reimbursement.
2. By June 15, 2016, if the Complainant accepted the offer of tutoring, and/or reimbursement, the District will provide OCR with documentation demonstrating that it provided the tutoring and/or reimbursement. Such documentation could include attendance sheets and/or invoices reflecting the hours and topics covered by the tutor with the Student, and copies of a cancelled check reflecting payment of the reimbursement.

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 regulation implementing Section 504 at 34 C.F.R. §§ 104.33, and 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. § 104.33, and Title II, at 28 C.F.R. § 35.130.

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: _____/s/_____
Superintendent

_____2/22/2016_____
Date