

Voluntary Resolution Agreement

OCR Complaint No. 01-15-1237

School Administrative Unit 29, Chesterfield School District

The School Administrative Unit 29, Chesterfield School District voluntarily agrees to take the following steps to resolve the allegations in the above-referenced complaint, consistent 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). School Administrative Unit 29, Chesterfield School District denies that it has violated either of these laws and this resolution agreement shall not be construed as evidence of such.

Action Item 1 – Individual Remedy:

By **March 15, 2016**, the Chesterfield School District will convene the following teams:

- (a.) The Student’s Individualized Education Program (IEP) team to review the Student’s current educational performance to determine an amount of compensatory services to make available to the Student due to his nonparticipation in Extended School Year services during the summer of 2015. Such services shall be offered to the Student for completion during the 2015-2016 school year; and
- (b.) The Student’s 504 team to review the Student’s current 504 plan and revise it, as appropriate, to provide non-academic and extracurricular services and activities in such a manner as is necessary to afford the Student an equal opportunity to participate in all services and activities, including the spring 2016 track team, should he wish to participate. Such a plan shall also be in place as of the beginning of the 2016-2017 school year and allow for the Student’s full participation in non-academic, extracurricular, and interscholastic athletic activities, including practices and in- and out-of-state competitions, to the extent available, upon his enrollment in a Chesterfield School District placement.

Reporting Requirement: By **April 1, 2016**, the Chesterfield School District will provide documentation to OCR demonstrating that it has fulfilled the terms of this provision, including copies of the Notice of the Team meeting and Team meeting minutes, as well the Chesterfield School District’s plan and timeline for providing the compensatory services [under paragraph (a)], and the plan for providing non-academic and extracurricular services and activities in such a manner as is necessary to afford the Student an equal opportunity to participate [under paragraph (b)].

Reporting Requirement: By **June 15, 2016**, the Chesterfield School District will provide documentation demonstrating that it has made available the compensatory services described in paragraph (a).

Action Item 2 – Policy:

The Superintendent will:

- (a.) Audit the policies and procedures of each school district within School Administrative Unit # 29 regarding the inclusion of students with disabilities in extracurricular activities, including athletics, to consider whether each school district has an appropriate process for determining how students with disabilities can participate in such activities and if they are in compliance with 34 C.F.R. § 104.37.

(b.) If the Superintendent identifies school district policies and procedures which do not comply with 34 C.F.R. § 104.37, the Superintendent will recommend that the respective school board(s) revise the language in the school district policies and procedures to require individualized determination of:

- The particular student's disability;
- Any IEP and/or 504 Plan provisions related to non-academic and/or extracurricular activities, and
- Any needed accommodations that will allow the student to participate in a particular extracurricular activity.

Any such decisions should be made by persons knowledgeable about the student, the extracurricular activities, the student's disability and appropriate accommodations that will provide equal access to the activities. The school district(s) policies and procedures should provide for the notification of parents and/or guardians so that they can participate in the decision about whether the student with the disability will participate in the activities, and what if any accommodations/modifications will provide the student with the disability with equal access to the activities.

Reporting Requirement: By **June 15, 2016**, the Superintendent will submit information to OCR demonstrating that it has completed the audit of the policies and procedures of each school district within the School Administrative Unit # 29, and recommended that the policies and procedures be revised in accordance with Action Item 2(b) as appropriate. The Superintendent will also submit the policies and procedures for OCR review.

Action Item 3 - Training:

By **June 1, 2016**, the Superintendent will:

- (a.) Provide training for, at a minimum, all Chesterfield School District 504 Coordinator(s), Athletic Director(s), special education administrators, guidance counselors, school nurses, principals and Assistant Principals regarding the obligation to provide students with disabilities an equal opportunity to participate in non-academic and extracurricular services and activities. Such training shall address and be consistent with Section 504, Title II, and the revised Chesterfield School District policies and procedures developed under Action item 2 above.
- (b.) Organize training for the Principals, Building 504 Coordinators, and Athletic Directors of each school district within School Administrative Unit 29 regarding the obligation to provide students with disabilities an equal opportunity to participate in non-academic and extracurricular services and activities. Such training shall address and be consistent with Section 504, Title II, and the revised school district policies and procedures developed under Action item 2 above.

Reporting Requirement: By **June 15, 2016**, the Superintendent will submit to OCR documentation demonstrating that the above-described training was delivered in accordance with this Agreement, including agendas, copies of all training materials, and attendance sheets from the trainings. The attendance sheets shall include the names and titles for all staff and the signatures of those individuals who participated in the above-described training.

Monitoring

The School Administrative Unit 29, Chesterfield School 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, at 34 C.F.R. §§ 104.4(a) and (b), 104.33, 104.37, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case. The School Administrative Unit 29, Chesterfield School 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 School Administrative Unit 29, Chesterfield School District understands that during the monitoring of this agreement, if necessary, OCR may visit the School Administrative Unit 29, Chesterfield School District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School Administrative Unit 29, Chesterfield School District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b), 104.33, 104.37, and Title II, at 28 C.F.R. § 35.130, which were at issue in this case.

The School Administrative Unit 29, Chesterfield School 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. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the School Administrative Unit 29, Chesterfield School District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Superintendent

Date