

Resolution Agreement
Marshfield Public Schools
OCR Case No. 01-15-1260
Student: XXXXX XXXXXXXXXXX

In order to resolve OCR Case No. 01-15-1260, Marshfield 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.

I. POLICIES AND PROCEDURES

The District will revise its Section 504/Title II policies and procedures, including handbooks, and forms used by staff and administrators for the identification, evaluation, placement and reevaluation of students to comply with its obligations under Section 504 and Title II, which will reflect:

- A. The District's obligation, under Section 504/Title II, to provide students with disabilities a free appropriate public education (FAPE), i.e., the regular or special education and related aids and services that are designed to meet the individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met, as determined by adherence to the procedural requirements of Section 504;
- B. The District's obligation to evaluate any student who, because of disability, needs or is believed to need, special education or related services;
- C. 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);
- D. That all evaluation and placement decisions, including significant changes in placement, must be made by a group of persons 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);
- E. That teams will consider, and document that they have considered, information from a variety of sources in determining a student's eligibility to receive regular or special education and related aids and services;
- F. When making placement determinations, the team must consider a continuum of placement options, as an appropriate education for a student with a disability may 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);

- G. 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;
- H. That the District must reevaluate students periodically, as well as when a student on a 504 Plan experiences a significant change in placement, and/or when the District has information indicating that a student on a 504 Plan is experiencing difficulty accessing the District's programs and activities, such as that special education or related aids and services are not being used or are not effective; falling grades, increased absenteeism (particularly where such absenteeism exceeds 10 days), repeated behavioral incidents or disciplinary infractions, or changes in social engagement, in order to determine whether the student's current program is not appropriate or is not being implemented, as required by the Section 504 regulation at 34 C.F.R. §§ 104.35(a) and (d) and 28 C.F.R. 35.130;
- I. The District's obligation to provide students with disabilities an opportunity to participate in extracurricular activities that is equal to the opportunity provided to students without disabilities, as required by 34 C.F.R. §§ 104.34(b) and 104.37, and 28 C.F.R. 35.130; and
- J. That, consistent with 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134, the District may not retaliate against individuals who raise concerns about disability discrimination.

Reporting Requirements:

- 1. By April 29, 2016, the District will submit revised policies, procedures and forms to OCR for review and approval.
- 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.

II. TRAINING

- A. The District will provide training to all District staff involved in evaluation and placement under Section 504, including the 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 (1) provide a FAPE to qualified students with disabilities, and (2) to provide such students with an opportunity to participate in extracurricular activities that is equal to the opportunity provided to students without disabilities.

Reporting Requirements:

By April 15, 2016, the District will provide OCR with a sign-in sheet, including the names and titles of attendees, from this training that will be provided by OCR on March 31, 2016.

- B. The District will provide training to all high school and middle school staff, including teachers, service providers and administrators who did not attend the training at Section (II)(A), regarding the District's obligations under Section 504 and Title II to (1) provide a FAPE to qualified students with disabilities, and (2) to provide such students with an opportunity to participate in extracurricular activities that is equal to the opportunity provided to students without disabilities.

Reporting Requirements:

- 1. By May 27, 2016, the District will provide OCR with a sign-in sheet from the high school staff training that includes the names and titles of attendees, from the training that will be provided by OCR on April 12, 2016.
 - 2. By September 30, 2016, the District will provide OCR with a sign-in sheet from the middle school staff training that includes the names and titles of attendees, from the training that will occur on September 15, 2016. If OCR does not provide the training, the District will also provide the training materials used, as well as the credentials of the trainer.
- C. The District will provide training to all extracurricular advisors, coaches and/or assistant coaches, on the District's obligation to provide students with disabilities an opportunity to participate in extracurricular activities that is equal to the opportunity provided to students without disabilities, consistent with 34 C.F.R. §§ 104.34(b) and 104.37, and 28 C.F.R. § 35.130.

Reporting Requirements:

- 1. By May 27, 2016, the District will provide OCR with sign-in sheets from training, conducted by OCR on April 12, 2016, that will be attended by all district staff who serve as extracurricular advisors, coaches and/or assistant coaches, as well as any other available advisors and/or coaches. The sheets will include the attendees' names and titles, as well as the activity with which they are involved. If OCR does not provide this training, the District will also provide the training materials used, as well as the credentials of the trainer.
- 2. By September 30, 2016, the District will provide OCR with sign-in sheets from the training it is providing on August 31, 2016 for remaining advisors, coaches and assistant coaches. The District will use its best efforts to have all remaining coaching and advising staff attend this training; the sign-in sheets will include the names of all

attendees, as well as the activity with which they are involved and their role with that activity. If OCR does not provide this training, the District will also provide the training materials used, as well as the credentials of the trainer.

3. By February 7, 2017, the District will provide the training materials, trainer credentials, and sign in sheets from its final training conducted no later than January 31, 2017, for any other advisors or coaches who could not attend the prior trainings.

III. REEVALUATION

Using the appropriate standards and procedures described at Action Item 1, the District will reevaluate all current high school students who are on Section 504 plans, as well as students evaluated and found ineligible under Section 504/Title II during the 2014-2015 or 2015-2016 school years. Specifically: (1) students who have already been evaluated, or reevaluated in this school year (2015-2016) will be reevaluated; (2) students currently on 504 Plans who have yet to be reevaluated this year will be reevaluated according to the District's current schedule for reevaluation; and (3) students who were evaluated last year or this year and found ineligible will be reevaluated. The Director of Special Education, or a designee acceptable to OCR, will attend each reevaluation.

Reporting Requirements:

1. By April 1, 2016, the District will provide OCR with a list of all relevant students, indicating for each: the date of last evaluation, whether the student was found eligible at that evaluation, and when the required reevaluation will occur.
2. By June 15, 2016, the District will provide OCR with documentation evidencing that each of these students has been reevaluated, specifically the attendance sheet for each reevaluation, including names and titles; minutes and/or notes of the meeting evidencing; and, where applicable, the resulting Section 504 Plan.

IV. THE STUDENT

- A. The District will provide the Student with 30 total hours of tutoring from a certified teacher in XXXX and XXXXXXXX, at a schedule mutually convenient for the Student and tutor. The tutoring generally will be provided for two hours per week but may be adjusted according to the XXXXXXXXXXX XXXXXX. The tutoring will be scheduled to accommodate the Student's participation in XXXXX XXXX or other extracurricular activities as much as possible.

Reporting Requirement:

By June 1, 2017, the District will provide OCR with documentation demonstrating that it provided this tutoring, such as attendance sheets and/or invoices reflecting the hours and topics covered by the tutor with the Student.

- B. The District will cover tuition only, for the Student to take up to two classes in XXXX and/or XXXXXXXX, either online or at a local community college, to address her graduation/state college requirements for math and/or science. The District will provide such tuition upon proof of enrollment in each course, which must be provided by the Complainant to the District no later than May 1, 2017 in order for the District to cover the tuition.

Reporting Requirement:

By June 1, 2017, the District will provide OCR with documentation demonstrating that it provided such opportunities.

- C. The District will change the Student's XXXXXXXXXXXX XXXXXXXX from XXXXXXXXXXXXXXXX through XXXXXXXXXXXXXXXX to XXXXXXXXXXXX on her 2014-2015 XXXXXXXXXXXXXXXX record. Additionally, the District will reconsider the Student's XXXXXXXX and XXXXXXXX XXXXXXXX in the XXX and XXX terms of XXXXXXXXXXXXXXXX 2015 to determine if XXXXXX XXXXXXXXXXXXXXXX and/or XXXXXXXXXXXXXXXX were unfairly factored in, when considered in light of the Student's XXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXX. If so, the District will XXXXXXXXXXXXXXXX recalculate the XXXXXXXX without those factors.

Reporting Requirement:

By May 27, 2016, the District will provide OCR with documentation evidencing that the Student's XXXXXXXXXXXX XXXXXXXX has been changed, and that the Student's XXXXXXXX were reconsidered, such as documentation evidencing how the XXXXXXXX were determined, how the District considered the effect of XXXXXXXXXXXXXXXX/XXXXXXXXXXXXX, and the basis for altering or maintaining the XXXXXXXX.

- D. The District will waive policies for the Student relating to XXXXXXXXXXXXXXXXXXXX or XXXXXXXXXXXXXXXX requirements in order to participate in XXXXXXXXXXXXXXXX and other extracurricular activities. Additionally, the District will reimburse the Complainant for expenses already incurred for one session of the Student's participation in the XXXXXXXXXXXXXXXX program, not to exceed (\$130.00) upon receiving proof of payment from the Complainant of such expenses, such as a paid-in-full invoice. Finally, the District will cover tuition only for the Student's participation in one session of the XXXXXXXXXXXXXXXX or similar program over summer 2016, upon receiving official proof of enrollment.

Reporting Requirement:

- 1. By May 27, 2016, the District will provide OCR with documentation evidencing that the Student's teachers and extracurricular advisors were notified that she is not subject to policies regarding XXXXXXXXXXXXXXXXXXXX or XXXXXXXXXXXXXXXX requirements in order to participate in extracurricular activities.

2. By September 15, 2016, the District will provide OCR with documentation evidencing that it reimbursed the Complainant for the one session of the XXXXXXXXXXXX program and that it covered tuition for the Student’s participation in the XXXXXXXXXXXX or similar program over summer 2016.

E. The District will reconvene the Student’s Individualized Education Program (IEP) team following any disability-related XXXXXXXXXXXXXXXXXXXX or XXXXXXXX XXXXXXXX, to consider whether the Student’s disability-related needs have changed and if so, whether the Student’s IEP needs to be amended, while/when the Student is placed at Marshfield HS. During such meetings, the Team will consider any XXXXXXX XXXXXXX developed during the Student’s XXXXXXXXXXXXXXXXXXXX.

Reporting Requirement:

By December 1, 2016, the District will provide OCR with documentation listing the dates of any disability-related hospitalizations or extended absences of the Student, as well as documentation evidencing that it convened a Team meeting after each hospitalization or extended absence, and if the meeting occurred, that the Team considered safety plans or other materials developed during the Student’s hospitalization.

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 regulations implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34(b), 104.35, 104.37 and 104.61, and the regulation implementing Title II, at 28 C.F.R. §§ 35.130 and 35.134, 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, 104.34(b), 104.35, 104.37 and 104.61, and the regulation implementing Title II, at 28 C.F.R. §§ 35.130 and 35.134, which were at issue in 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 written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____
Superintendent or designee
Marshfield Public Schools

____3/16/16_____
Date