

RESOLUTION AGREEMENT
Torrington BOE
OCR Complaint No. 01-16-1072

Pursuant to Section 302 of OCR's *Case Processing Manual*, prior to the completion of OCR's investigation the Torrington Board of Education (District) has entered into this agreement to resolve the allegations in the above-referenced complaint. The District assures that it will take the following actions and will met its obligations to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

Action Item 1

The District will conduct training to the Student's XXXX grade teachers and District staff who were members of the Student's Section 504 Team during the XXXX school year, on Section 504 and Title II. The training will include: (a) the general provisions of Section 504 and Title II, including providing a free appropriate public education to students with disabilities; (b) the District's obligation to implement Section 504 plans; and (c) the prohibition against retaliation.

Reporting Requirements

By August 1, 2019, the District will submit for OCR's review and approval the identity and credentials of the person(s) conducting the training required in Action Item 1, as well as the proposed training materials.

Within sixty calendar days of OCR's approval of the person(s) to conduct the training and the training materials, the District will provide documentation to OCR demonstrating that it provided the trainings in accordance with Action Item 1. This documentation will include at the minimum: the date(s) of the training(s); sign-in sheets; and a list of the individuals who attended the trainings(s) and their positions in the District.

Action Item 2

By **September 30, 2019**, a member of the District's leadership team will meet with each staff member who was responsible for implementing the Student's Section 504 plan during XXXX school year. The leadership team member will review the legal requirement to fully implement Section 504 plans, and whom to contact if the staff person needs assistance implementing a Section 504 plan in the future.

Reporting Requirements

By **September 30, 2019**, the District will provide OCR with a written statement that it has held the meetings described in Action Item 2, including, for each meeting, the date of the meetings and the names/titles of the leadership team member and staff members.

Action Item 3

The District will include a letter in the Student's file stating that if the Student re-enrolls in the District, the District shall promptly convene a Section 504 team meeting, during which the District will:

- a. Invite the Student's parent(s) to share any updated medical information concerning the Student and needed services, and any concerns regarding the implementation of the Student's Section 504 plan;
- b. If the Team decides to retain the provision concerning daily signing of the Student's agenda, the Team will clarify the meaning of this provision and, if the Team determines that the Student continues to need assistance tracking assignments, the Team will discuss new approaches to reminding the Student about homework assignments;
- c. Determine whether the Student's Section 504 plan is sufficient to provide the Student a free appropriate public education and if not, determine what additional aids or services are appropriate; and
- d. Provide the Student's parent(s) with a meaningful opportunity to offer input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36.

The District will also mail a copy of this letter to the Complainant.

Reporting Requirement

By **August 30, 2019**, the District will submit to OCR a copy of the above-described letter.

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 the 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 and obligations of this Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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 and/or the applicable statute(s) and regulation(s). 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 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: /s/ Susan M. Lubomski Date: 5/1/2019
Susan M. Lubomski, Superintendent