

RESOLUTION AGREEMENT

**South Windsor Public Schools
U.S. Department of Education, Office for Civil Rights
Complaint No. 01-16-1188
Complainant: XXXXXXXXXX
Student: XXXXXXXXXXXXXX**

To resolve Complaint No. 01-16-1188 filed with the U.S. Department of Education, Office for Civil Rights (OCR) alleging disability discrimination under Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the American with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, South Windsor Public Schools (District) agrees to implement the terms below.

Action Item 1:

By June 15, 2017, the District will convene the Student's Individualized Education Program (IEP) Team to determine compensatory and/or remedial services for the Student to remedy the denial of a free appropriate public education (FAPE) regarding provisions in the Student's Individualized Health Care Plan (IHCP)/IEP pertaining to XXXXX, drinking fluids, and resting/breaks, during the 2015-2016 school year;

The District will take reasonable steps to obtain parental participation in the meeting, including communicating through multiple methods (by letter, phone, and email) and ensuring that the meeting is held at a time and place convenient to the parents. The District will provide the Student's parents with a meaningful opportunity to provide input into the determination, as well as notice of the determination made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree. The District must ensure that it meets the requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36.

Reporting Requirements

(a) By July 15, 2017, the District will provide to OCR the following documentation:

- (i) a list of attendees that includes the names and titles of those at the meeting, and that identifies which person(s) are knowledgeable about the Student; her disability; the meaning of the Student's evaluation data; and the placement options (if the parents do not participate in the meeting, the District will provide documentation evidencing the District's efforts to obtain the parents' participation);
- (ii) minutes of the meeting;

- (iii) a report of the Team’s method of quantifying the missed services; identification of the compensatory services necessary to remedy the denial of FAPE from the 2015-2016 school year; and methodology used by the Team for determining the appropriate amount and means for delivering the compensatory services;
 - (iv) a description of the compensatory services necessary to remedy the denial of a FAPE from the 2015-2016 school year;
 - (v) a list of staff by name/title responsible for the provision of compensatory services to the Student; and
 - (vi) a schedule for providing the Student with all identified compensatory services.
- (b) Within 30 days of the completion of the provision of the Student’s compensatory services in Item 1, but no later than December 31, 2017, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education or other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

Action Item 2 :

By August 1, 2017, the District will develop and implement a policy and procedure concerning the development and implementation of IHCPs, which will include but not be limited to:

- (a) the District’s obligations regarding the development and implementation of IHCPs, in conjunction with the requirements of Section 504;
- (b) the policies and procedures implemented by the District with respect to the development and implementation of IHCPs;
- (c) guidelines for developing an IHCP and how often an IHCP should be reviewed and revised; and
- (d) XXXXXXXXXXXXXXX on the Planning and Placement Team (PPT);

Reporting Requirements

- (a) By August 1, 2017, the District will provide OCR with the District’s policies and procedures for OCR’s review and approval.
- (b) Within 30 days of OCR’s approval of the District’s policies and procedures, the District will submit documentation confirming that the policies and procedures have been officially adopted and implemented by the District.
- (c) Within 30 days of the District’s adoption and implementation of its policies and procedures, the District will provide OCR with (i) a link to the online version of its policies and procedures and (ii) documentation demonstrating that the policies and

procedures have been disseminated using the District's standard methods for disseminating new information that is important to students, parents/guardians, employees, and other interested parties.

Action Item 3

By September 30, 2017, the District will conduct training for all of its administrators, certified special education staff, nurses, and any other District staff who are responsible for the development and implementation of IHCPs. Such training shall address and be consistent with Section 504, Title II, their implementing regulations, and the revised District policies and procedures developed under Action Item 2.

Reporting Requirement

Within 10 days of the training in Item 3, the District will provide to OCR a copy of the training materials, the name of the individual(s) conducting the training and their qualifications, and a sign-in sheet of participants, identifying each by name and title.

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 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, OCR may visit the District, conduct interviews, 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 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. §§ 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.

May 19, 2017

/s/ Colin McNamara

Date

Colin McNamara
Assistant Superintendent for Personnel and Administration
South Windsor Public Schools